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Attorney for Deponent and Defendant KSK Corporation
3. MR. KIM KI SUNG
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Deponent
4. MS. MIO KIM
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Official Translator (Korean)

STIPULATIONS: None.

1 KIM KI SUNG,

2 having first been duly sworn by the Notary Public Mark B. Hanson, was examined

3 and testified as follows:

4 EXAMINATION BY

5
6 MR. HANSON:
7

8 MR HANSON: Good morning. We're on the record in the case of Li Ying Hua, Li
9 Zheng Zhe and Xu Jing Ji v Jung Jin Corporation *et al.*, Civil Case number 05-0019, currently
10 pending in the United States District Court for the Northern Mariana Islands. This is the
11 deposition of Mr. Kim Ki Sung who is a defendant in the case. My name is Mark Hanson, I'm
12 the Attorney for Plaintiffs, I'm also the Officer for this Deposition.

13 Present today is the Deponent, Mr Kim Ki Sung with his Attorney, Kelley Butcher
14 from the Law Offices of G. Anthony Long, and a Translator, Mio Kim – M-i-o K-i-m. The
15 date is April 10th 2008. The time is approximately 10:10a.m. The location is my offices in
16 Garapan, 2nd Floor of the Makaranas Building. I'll start by swearing in the Translator. Miss
17 Kim can you raise your hand. Do you swear to translate from English into Korean and Korean
18 to, back into English, to the best of your abilities, today?

19 A. TRANSLATOR: I do.

20 Q. Now I'd like to swear you in. Mr. Kim can you raise your right hand. Do you
21 swear to tell the truth, the whole truth, and nothing but the truth in this Deposition?

22 A. Yes.

23 Q. Now Mr. Kim, she's going to be here to translate and I understand that you
24 probably understand some of the things that I'm saying. But, for clarity's sake, maybe let her
25 finish the translation before you answer so that we have a clean record. Do you understand?

26 A. Yeah.

27 Q. Okay. Now can you state your full name for the record please.

28 A. Ki Sung Kim.

1 Q. Ki Sung Kim. K-i S-u-n-g K-i-m.

2 A. Yes.

3 Q. Is that correct?

4 A.: Okay.

5 Q. Now this is not your first deposition, is that correct?

6 A. This is second.

7 Q. Second deposition, because I took your deposition before. So, you're
8 somewhat familiar with what I'm going to do today, is that correct?

9 Q. I mean you understand that I'm going to ask questions, like I did last time we
10 had a deposition.

11 A. Mmhm.

12 Q. And you sat in through your wife's deposition yesterday, so you...

13 A. Yes.

14 Q. So you understand that, basically I ask questions and then you just respond
15 truthfully.

16 A. Okay.

17 Q. And we all need to speak up a little bit. The recording yesterday was okay, but
18 not as good a quality as I'd hoped. If there's anything that you don't understand today, I, I
19 want you to ask me for clarification instead of answering.

20 A. Okay.

21 Q. Because it's important that your answers are in response to questions that
22 you've properly understood. And also, if you need to break or anything like that, then let me
23 know and we'll take a break.

24 A. Yeah.

25 Q. Are you comfortable now?

26 A. Yeah.

1 Q. Is your head clear today?

2 A. Yeah.

3 Q. You're not sick?

4 Q. Are you under the influence of any medication, or alcohol? You're going to
5 have to speak out loud because we're tape recording.

6 A. Yeah, good condition.

7 Q. Good condition, okay, thank you. Okay. Now the first thing I want to ask
8 about is documents. It doesn't appear that you've brought any documents today. Well you
9 didn't bring any documents . . .

10 A. I believe I gave you all the annual reports and part of all the documents.

11 Q. Okay, when I had asked, talked to your attorney about it, but ah, some of the,
12 you gave one annual report. I think it's for the year 2006. But your, but your attorney also, I
13 believe, gave you a list of documents that I had noticed that aren't included in what I've
14 received so far.

15 A. TRANSLATOR: He will get the reports ready and give it to you.

16 Q. Now to be clear, it's not just the annual reports.

17 A. DEPONENT (in English): Yeah list.

18 A. TRANSLATOR: He will check the list and give it to you.

19 Q. Your, let me ask you this. Your, the income tax returns for you I received.

20 A. Yeah I gave you the income tax return.

21 Q. But what I'm missing, still, is KSK's tax returns. Where are those located?

22 A. I will check with the agent's office.

23 Q. What's the name of your agent's office.

24 A. Own's Office.

25 Q. Can you spell that for me please?

26 A. O-w-n.

1 A. Own's, O-double n.

2 Q. O double N, O-N-N, or O-W-N?

3 A. O-W.

4 A. O-W-N. O-W-N.

5 Q. Aah.

6 A. Yeah.

7 Q. Own's.

8 A. Own's Office.

9 Q. Own's Office. Is that the name of the business?

10 A. The agent's office.

11 Q. And, but what is the, that's the name of the office or do they have a business
12 name?

13 A. It has a name on the, on the outside that says Own's.

14 Q. Okay. And is that the name of the company that, that assists you?

15 A. Yes.

16 Q. Is there any particular person at that office that ...

17 A. Miss Kang.

18 Q. Miss Kang. K-a-n-g. And ah, that's KSK tax returns may be located there.

19 A. Yes, I'll check with the KSK.

20 A. All checking.

21 Q. Also financial statements, income and expense and balance sheets, do you
22 know what those are?

23 A. It should be there, check them.

24 Q. Okay. If you could look at that list that your attorney gave you yesterday that I
25 provided her. Those are the documents I'm interested in, including and then also the checks

1 that are missing.

2 A. Personal check?

3 Q. Your personal checks, yeah because...

4 A. Personal check of KSK Corporation check 2006, 2003,4,5

5 Q. Right.

6 A. Yeah. ... filled in check K...

7 Q. Yeah, okay.

8 A. Okay.

9 Q. But ah, also your personal checks because you were using your own account
10 for business for a while, weren't you?

11 A. My personal checks?

12 Q. Right.

13 A. Yeah. Partly.

14 Q. So that's why I need to look at those too, because I want to see... Before you
15 came today did you look at any documents to get ready for this deposition?

16 A. ... No.

17 Q. Did you talk to anybody to get ready for this deposition?

18 A. No.

19 Q. Okay. I want to ask you a little bit about your wife, Ms. Kim Sung Eun. She,
20 when did she first come to Saipan?

21 A. 2002, November.

22 Q. And was..

23 A. TRANSLATOR: 2002, November.

24 Q. Okay, I'm sorry. And did she come, is that when you came to Saipan?

1 A. Yes the whole family.

2 Q. The whole family came together all at one time, is that right?

3 A. Yes.

4 Q. Had you been to Saipan before that?

5 A. For a vacation, 2001.

6 Q. Okay, any other times?

7 A. End, end of the year vacation with the family.

8 Q. In 2001.

9 A. ..maybe not, 2000, 2001, I don't know. 2000, 2001.

10 Q. How many times have you come to Saipan for a vacation, once, twice?

11 A. One time.

12 Q. One time only.

13 A. Yeah.

14 Q. Did you come to Saipan, other than that one time for a vacation, at any other
15 time before you moved here in 2002?

16 A. TRANSLATOR: No.

17 Q. And ah you, you've lived in Saipan with your family ever since November
18 2002?

19 A. Yes.

20 Q. When your wife came, when and your children entered Saipan. What sort of
21 visa did they have? What sort of entry permit did they have to come to Saipan?

22 A. First I went under as a friend of mine had the name of Golden...

23 Q. Golden Bird?.

24 A. Yes, Golden Bird Corporation.

1 Q. So let me, I want to see if I understand and then I'll leave you little bits to get
2 through it. You got a job with Golden Bird Corporation?

3 Q. And you got a job, basically as a manager of Golden Bird Corporation.

4 A.: Yeah.

5 Q. And you made enough salary where you could bring in your family, including
6 your wife as an I.R., is that right?

7 A. Yes.

8 Q. Now when you first came in to work for Golden Bird Corporation, did, was
9 KSK Corporation in existence yet? Had it been formed?

10 A.: No.

11 Q. When was KSK incorporated?

12 A. 2003.

13 Q. And whose idea was it to form KSK Corporation?

14 A. My opinion.

15 Q. And, alright, I'll ask about that in a minute. So, when you and your family
16 came from Korea, did you bring any money with you?

17 A. Yes.

18 Q. How much?

19 A. Two hundred thousand, maybe.

20 Q. Altogether, with all the family members you brought in 200,000? Was that in
21 cash?

22 A. Cash.

23 Q. In US dollars?

24 A. Not carrying it with me, I got it sent through my friend. Part of it was sent

1 through my friend.

2 Q. Okay, what part of it, how much of it was sent through the friend?

3 A. I cannot remember.

4 Q. Well was it half, was it, it doesn't have to be exact...

5 A. I got about 17 or 18. Seven hundred, no, 170, or 180 through my friend.

6 Q. And what's your friend's name?

7 A. TRANSLATOR: Kyung Soo Lee.

8 Q. K-y-u-n-g S.

9 A. S-o-o.

10 Q. o-o.

11 A. L-e-e.

12 Q. L-e-e. Does Kyung Soo Lee live in Saipan?

13 A. Yes.

14 Q. Is Kyung Soo Lee a man or a woman?

15 A. Male, man, twenty-five year's friend.

16 Q. Mr. Lee has been a friend of yours for 25 years is what you are saying? Is Mr.

17 Lee, Golden Bird Mr. Lee.?

18 A. He should be, because he's the owner.

19 Q. Right, that's what I meant. Okay. Now Mr. Lee brought in 170 or 180

20 thousand dollars of your money, in cash?

21 A. I gave him that money and then he brought it in for me.

22 Q. Did he carry it in cash from Korea to Saipan?

23 A. I deposited the money to the friend of Mr. Lee and then Mr. Lee gave me the

24 money.

1 Q. Where did you make the deposit?

2 A. The, the Korean bank to the colleague of Mr. Lee, in Korea.

3 Q. What's the name of the bank?

4 A. I don't know.

5 Q. Where's the bank located?

6 A. In Korea.

7 Q. Where in Korea, Seoul?

8 A. I don't know.

9 Q. You don't know where in Korea the bank is located that you deposited the
10 money?

11 A. It's already been five years.

12 Q. So you've forgot, is that what you're saying?

13 A. Yes, and also I don't have a record.

14 Q. So, you, there's still 20 or 30 thousand dollars. Is that how much you brought
15 with you?

16 A. Yes, that's how we lived with that money.

17 Q. So you carried that with you from Korea to Saipan in cash?

18 A. Yeah. Should be.

19 Q. Besides this two . . . where did this 200,000 dollars come from?

20 A. From Korea.

21 Q. I, ah, how did you get the money in Korea? The source of the money?

22 A. Do you mean by a bank, name of the bank or do you mean by where it came
23 from?

24 Q. Where it came from. How did you get \$200,000?

1 A. I sold my apartment.

2 Q. How much did you sell your apartment for?

3 A. Three hundred thousand forty.

4 Q. Three hundred thousand?

5 A. Thirty, three hundred and forty thousand.

6 A. Three hundred and forty thousand, yeah.

7 Q. Three hundred and forty thousand in Korean won?

8 A [no response]

9 Q. Korean won?

10 A. Korean won, yeah.

11 Q. That's, again I have difficulty seeing... How much, do you know how much
12 that was, in, at that time in US dollars. Was that \$200,000?

13 A. TRANSLATOR: At that time the exchange was one thousand, two hundred,
14 now it's about one thousand.

15 Q. One thousand, three hundred to one dollar?

16 A. Yes.

17 Q. And you sold the apartment for 340,000 Korean won?

18 A. Yes.

19 Q. So that's only \$30,000, right?

20 A. Yes, about that much.

21 Q. So he had 170,000, where did that come from?

22 A. It's from there, I don't know what 17,000 or the 170 you're talking about.

23 Q. You brought \$200,000, you said you brought \$200,000 with you, from Korea,
24 to Saipan when you moved, is that right?

1 A. Yes.

2 Q. I asked you, how did you get the \$200,000 to bring.

3 A. I told you already.

4 Q. You sold your apartment.

5 A. Yes.

6 Q. But I'm doing, but I'm doing the conversion in my head and it's not enough
7 money. The apartment only sold for like 30,000 US. I need a calculator.

8 A. Three hundred thousand.

9 Q. He said three hundred and forty...

10 A. Three hundred and forty thousand...

11 Q. US dollars, because he said Korean won before so I'm trying to do ...

12 A. Three hundred and forty thousand won. Ah so it should be, yeah, three
13 hundred and forty thousand won. That's 30...

14 Q. Thousand dollars.

15 A. TRANSLATOR: Yeah, that's about \$30,000.

16 Q. Okay. So you sold your apartment, let's just do the conversion right now and
17 we'll just agree, roughly that your apartment, you got US\$30,000 for that, is that right?
18 Roughly.

19 A. Now it's about 700,000.

20 Q. I understand, but at the time, at the time that he brought 200,000... Right?

21 A. Okay.

22 Q. Okay. So that's 30,000 of the 200,000 that you brought, is that right, that's
23 what you're saying.

24 A. Yes.

1 Q. Where did the, the other \$170,000 come from that you brought to Saipan?

2 A. I sent it through a friend of mine.

3 Q. A friend of yours gave you \$170,000?

4 A. In invested that money to Managaha Shop.

5 Q. Got it, we're skipping ahead a little bit. Let's figure out where the money came
6 from first. Yes, I understand that you got 30,000 from your apartment. What I'm trying to
7 figure out is where ...

8 A. TRANSLATOR: Three hundred thousand.

9 Q. Three hundred and forty thousand Korean won.

10 A. TRANSLATOR: No, no, no.

11 MS. BUTCHER: Can we break these numbers down and I think...

12 A. TRANSLATOR: Yeah.

13 Q. I got them written down.

14 A. TRANSLATOR: Okay it'd be three hundred and forty million.

15 Q. Little translation problem.

16 A. TRANSLATOR: No actually he said...

17 Q. Thousand?

18 A. Yeah.

19 Q. Well let's clarify. Tell us again how much you sold your apartment for in
20 Korean won?

21 A. Okay. It's three hundred and forty million Korean won.

22 Q. Three hundred and forty million, that's a big difference. Three hundred and
23 forty million. ... I need my calculator. How much is that in... [indiscernable]

24 A. Roughly about thirty thousand, three hundred thousand.

1 Q. Let's go outside for just a second and grab a calculator. The time is 10:35,
2 we're just going to take a short break.

3 [OFF RECORD -- 00:25:52]

4 MR. HANSON: Okay, we're back on the record after about a one minute break, all
5 these people were present. And we were asking Mr. Kim about his sale of his apartment. So
6 you sold your apartment for 340 million Korean won?

7 A. Yes.

8 Q. And I've done the calculation at 1,300 to 1 dollar is \$261,500 approximately.
9 Does that sound about right?

10 A. I don't remember exactly ... but I remember it was sold for 34, three hundred
11 and forty million Korean won.

12 Q. Okay. Now with that, with that money, did you put that money in the bank or
13 did you, was it all in cash?

14 A. I believe I put it in the bank.

15 Q. What bank was that?

16 A. I don't remember, my wife dealt with that.

17 Q. Okay, was it the same bank that you had to make your deposit into Mr. Lee's
18 friend's account of the 170 to 180 thousand?

19 A. I don't remember.

20 Q. Was the money that you deposited in Mr. Lee's account, was that your
21 investment in the Managaha enterprise that you mentioned?

22 A. Yes.

23 Q. Did you put any more, can you tell me a little bit, what about that investment?
24 What, what did you call that, the enterprise?

1 A. There was a tourist group that was coming through the Managaha Shop. I
2 invested about half of that.

3 Q. Half. You mean like a 50 per cent interest in the Managaha Shop, is that what
4 you're saying?

5 A. Yes, about that much.

6 Q. So you invested 170 to 180 thousand dollars, do you remember exactly how
7 much you invested?

8 A. Maybe about 150,000.

9 Q. Where was this Managaha Shop located?

10 A. Garapan.

11 Q. Is it the Daora shop that we were talking about.

12 A. Same-same maybe.

13 Q. Same-same maybe or a yes it is the same?

14 A. Same sort of business.

15 Q. But a different business?

16 A. Yes, different.

17 Q. Okay. Was that in partnership with Mr. Lee?

18 A. Yes.

19 Q. He had 50 percent Mr. Lee, 50 percent Mr. Kim?

20 A. Yes.

21 Q. Each of you put in \$150,000?

22 A. No, only me, he was already in business.

23 Q. Okay. So Mr. Lee still had 20 or 30 thousand dollars of your money, right?
24 After your \$150,000 investment?

1 A. TRANSLATOR: Yes but I might have used it for my daily household stuff.

2 Q. Well you brought another 20, 30 thousand, 20 or 30 thousand dollars with you,
3 besides what you gave to Mr. Lee, right?

4 A. No, that was included in...

5 Q. Okay, I'm going to draw this out so we can, I want to trace this money and
6 then... We had 261,000 and approximately 500 dollars. That's the sale of the apartment. Do
7 we agree to that?

8 A. Roughly.

9 Q. Roughly, okay. Now out of that you said you brought 200,000 dollars to
10 Saipan, right?

11 A. Yes.

12 Q. Okay. Now that leaves about 61,500, you left that in a bank in Korea? Is that
13 right?

14 A. That would be with my wife's sister.

15 Q. Okay, so you took this money and you gave it to your wife's sister, whose
16 name is Kim?

17 A. Sung Hee.

18 Q. Sung Hee, H-e-e, right?

19 A. S-e-n-g, H-e-e.

20 Q. Okay, so you took the left over and you gave it to Kim Sung Hee, is that right

21 A. TRANSLATOR: Yes, to take care of the payments.

22 Q. Okay, besides this money, did you have any other money, this money, 61 that,
23 61,500, approximately, roughly that you gave to Kim Sung Hee, from the sale. It's not a
24 question yet, there's not a question yet. Did you have any other money in Korea?

1 A. No.

2 Q. So that represented all of the money that you left in Korea?

3 A. That's in dollars, but in won is different.

4 Q. I understand. But in won, at that time it was probably about eight million,
5 eight million Korean won?

6 A. Maybe more.

7 Q. How much did you give Kim Sung Hee, before you left.

8 A. Maybe 100,000 won Korea.

9 Q. One hundred million or one . . . ?

10 A. One hundred thousand or . . . One hundred million.

11 Q. One hundred million.

12 A. One hundred million.

13 Q. One hundred million Korean won. Where did that money come from?

14 A. As I recall, I sold the apartment for 340 million and brought in 200 million
15 won and then left over was what, it's remaining in Korea.

16 Q. Okay, alright, start over. So let's just do this in won and then we'll convert it
17 later. So 340 million won.

18 A. Yeah.

19 Q. That's the sale, right. How do you do the won symbol.

20 A. TRANSLATOR: w

21 Q. Can you write it. Oh like that, alright and you put it in the front just dollars.

22 A. Yeah, yeah.

23 Q. Alright, 340 million Korean won, for the record I'm writing this out on a
24 yellow piece of paper and we're going to maybe make this an exhibit. This was for the sale

1 of the apartment, right.

2 A. Yes.

3 Q. Okay. Now from that you took 200 million Korean won, you took that out to
4 take to Saipan, right?

5 A. Yes.

6 Q. Okay.

7 A. US dollar. TRANSLATOR: US dollar, 200,000.

8 Q. Was it US\$ 200,000 or 200 million...?

9 A. Maybe.

10 Q. Two hundred million Korean yen, Korean won?

11 A. No, no US. You do the won, yeah, maybe.. TRANSLATOR: Roughly about
12 two, 200,000 won but about 200,000

13 Q. Two hundred million?

14 A. No, roughly two hundred million Korean won, but roughly about 200,000
15 dollars.

16 Q. Do you remember and this was in 2002, right, what were the exchange rates.

17 A. I don't remember.

18 Q. Now, alright, let's do this again, 300, 340 million Korean won – sale of
19 apartment, we'll start from there, right. That's correct so far right? Okay. How much money
20 did you give your sister-in-law, in Korean won?

21 A. Roughly about 100 million won.

22 Q. Okay, so let's take out 100 million wan from that. Was that all from the, the,
23 the sale of the apartment, the money that you gave to your sister-in-law?

24 A. Yes.

1 Q. Did you include any other money of yours in the money that you gave to Kim
2 Sung Hee?

3 A. No.

4 Q. Okay. So after you gave Kim Sung Hee, approximately 100 million Korean
5 won from the sale of the apartment, you had a left over of approximately 240 million Korean
6 won, is that right?

7 A. Yes that's right.

8 Q. Now that, at the time, you believe approximately equaled US\$200,000, is that
9 right?

10 A. Yes.

11 Q. And then you brought that to Saipan?

12 A. It was deposited to the bank account of a friend of Lee's. I gave, I deposited
13 \$150,000, about that, about that much and then brought in what's left over.

14 Q. Okay, so let's draw that out. 150,000 and then the leftover is 50,000 US
15 dollars, right?

16 A. If you do the exchange rate, maybe less.

17 Q. Well how much...

18 A. Maybe about 20,000 left over.

19 Q. Okay, how much Korean won did he deposit in Mr. Lee's friend's account?

20 A. A hundred and fifty thousand, about, at the exchange rate at the time.

21 Q. Okay, but you said, at the exchange at the time, the total was about 200,000,
22 isn't that right?

23 A. It's been a while. Over 150, to 200,000 roughly, it's already been seven years.

24 Q. But we're talking about a lot of money and this is all the money you had in the

1 world, right?

2 A. I remember exactly, 150,000 dollars, US dollars.

3 Q. Okay 150,000 US dollars went to, was deposited into the friend of Mr. Kim's,
4 Mr. Lee's account in Korea.

5 A. With that exchange rate, \$150,000, but with the exchange rate it would be
6 different. I calculated \$150,000 with the exchange rate at the time.

7 Q. Okay, that's where we're sticking with right now. So 150,000 with the
8 exchange rate at the time and I only want to talk about that time, okay?

9 A. Yes.

10 Q. So you took the \$150,000 of the money from the sale of the apartment and you
11 put into a bank account in Korea?

12 A. Yes.

13 Q. Okay. Whose bank account was that?

14 A. I don't remember.

15 Q. You don't remember the name of the person's bank account that you put it in?

16 A. No.

17 Q. But it was, but it was a friend of Mr. Lee's, you know that?

18 A. Yes.

19 Q. Sorry. Okay. And that bank was in Korea, is that right?

20 A. Yes.

21 Q. And you don't remember what the name of the bank was?

22 A. No.

23 Q. And that money then was taken by Mr. Lee and used as your investment in the
24 Managaha Shop, is that right?

1 A. Yes.

2 Q. Okay, can you see what I've drawn here. This is the remainder, \$150,000
3 dollars went to an account, you don't know the name, in Korea. And then that was the
4 investment in Mr. Lee's Managaha Shop?

5 A. Yes.

6 Q. That's ah, that's accurate so far?

7 A. Yes.

8 Q. Now over here, this is where the left over, that's the money that you brought...

9 A. Roughly about 20,000 was brought in because if you calculate with the
10 exchange rate at the time, maybe that's about 20,000 US dollars.

11 Q. From the sale of the apartment, after you gave 100 million yen, or won, to Kim
12 Sung Hee, all the rest of that money you either invested in Mr. Lee's Managaha Shop or
13 brought with you to Saipan, is that correct?

14 A. Yes I sold the apartment for that much and then I left 100 million won with my
15 sister-in-law and the left over was brought in.

16 Q. All of the, all of the leftover was brought in?

17 A. Yes.

18 Q. And when was it that you invested the \$150,000 into Mr. Lee's Managaha
19 Shop, the 150 that you deposited into Mr. Lee's friend's account? When was that? do you
20 remember?

21 A. 2002, maybe August, maybe September.

22 Q. Okay is that the same time, did you bring in, you brought in US dollars to
23 Saipan, the remainder of the money?

24 A. Yes.

1 Q. So did you change the Korean won, when did you change the rest of the
2 money from Korean won into US dollars to bring to Saipan?

3 A. Maybe roughly at the time when we were moving here.

4 Q. Okay, so about November 2002.

5 A. About that time.

6 Q. Alright, I can figure it all out, but you, you, you remember that you brought
7 about \$20,000, in US dollars to Saipan?

8 A. Yes.

9 Q. Okay.

10 A. I don't remember exactly, but roughly.

11 Q. Okay. Did you leave, I've probably asked this before, but forgive me for
12 asking it again. But besides the 100 million won that you left with Kim Sung Hee, did you
13 leave any other money behind in Korea in bank accounts, or with any friends or family?

14 A. No.

15 Q. When you left Korea, in November 2002, did you owe anybody or any banks
16 or any companies any money?

17 A. No.

18 Q. Did your wife owe anybody, or any companies or any banks any money?

19 A. Probably not. Here.

20 Q. Not here, I'm talking about before. When they left in November of 2002, did
21 you or your wife have any debts in Korea?

22 A. [indiscernible]

23 Q. Speak up.

24 A. No.

1 Q. We've got to make sure we're recording everything clearly. Okay. Now.

2 KSK Corporation was formed in 2003, is that right?

3 A. 2003, maybe.

4 Q. Actually around February 2003.

5 A. 2003.

6 Q. Right, is that right?

7 A. Yes.

8 Q. Okay. Who, who are the shareholders, when it was first incorporated, who
9 were the shareholders of KSK Corporation?

10 A. My mother-in-law.

11 Q. Your mother-in-law's name is Kim Ok Ja, right?

12 A. Maybe Chae [phonetic] something.

13 Q. Is it shareholder?

14 A. At the beginning but maybe changed to my mother-in-law.

15 Q. Choi Woo Bak?

16 A. Yeah, yeah, yeah Choi Woo Bak, I remember

17 Q. Who is Choi Woo Bak?

18 A. I knew him when I got here.

19 Q. Did Mr. Choi put money into KSK Corporation?

20 A. That, I don't remember what the relationship.

21 Q. Who prepared the papers to create the company KSK Corporation?

22 A. Choi Woo Bak.

23 Q. And please spell that for me, I'm sorry.

24 A. TRANSLATOR: C-h-o-i W-o-o B-a-k.

1 Q. Who is Choi, this Mr. Choi, who is that?

2 A. Just somebody I knew when I got here.

3 Q. And you asked Mr. Choi to do the papers for KSK Corporation?

4 A. Yes. I didn't know the situation here.

5 Q. And to be clear, what does KSK stand for?

6 A. My name.

7 Q. Your name.

8 A. Yeah.

9 Q. Did you wife, did she have anything to do with going to Mr. Choi Woo Bak
10 and asking him to make the papers for KSK Corporation?

11 A. At the time I didn't know about establishing a corporation, I don't remember.

12 Q. But did, my question is a little bit different. Did she, your wife, Kim Sung Eun
13 have anything to do with having Mr. Choi prepare the paperwork to form KSK Corporation?

14 A. No, I don't think so.

15 Q. Were, were you the one that approached Mr. Choi to ask him for his
16 assistance?

17 A. Yes they helped us for business.

18 Q. Okay, but was, were you the one that approached Mr. Choi, or was your wife
19 the one who approached Mr. Choi to ask him for his assistance?

20 A. I don't remember, maybe me, because my wife doesn't touch. Maybe signs
21 only.

22 Q. Maybe signs only. Whose idea, was it Mr. Choi's idea, Mr. Choi Woo Bak,
23 I'm sorry I'm butchering these names, but Choi Woo Bak, was it his idea to bring in Mr. Choi
24 Woo Bak?

1 A. Maybe it's his brother.

2 Q. Okay. Again...

3 A. That's why he brought in.

4 Q. Did, did Mr. Choi Woo Bak ever purchase any shares of KSK Corporation?

5 A. I don't know the detail about the shareholders or sharing, getting a share from
6 the company.

7 Q. How about your wife, do you know any of the details of her getting any shares
8 in the company?

9 A. I think it was 80 to 20 but my wife probably don't know.

10 Q. Your wife probably doesn't know what?

11 A. About the shareholding, what percentage.

12 Q. But you think it's 80 per cent and 20 per cent...

13 A. Yes, 80/20.

14 Q. Okay, 80 per cent, who?

15 A. My wife in paper.

16 Q. In paper, what does that mean, in paper?

17 A. In the annual report.

18 Q. Okay. How about for real, not just the annual report?

19 A. That I don't know about.

20 Q. Did your wife have money of her own that she brought from Korea?

21 A. No.

22 Q. How much money did your wife pay for her 80 per cent ownership of KSK
23 Corporation?

24 A. The relationship, I don't remember how it was bought, at what percentage.

1 Q. Alright, alright. How much money did your wife put into KSK Corporation?

2 A. What kind of investment, it's the same family.

3 Q. Well she's the shareholder, the, the corporate papers say that she's a 80 percent
4 shareholder, is that right?

5 A. The relationship about the shareholding, I don't know at the time.

6 Q. Let's talk about right now, how many stock, how many shares of KSK
7 Corporation do you own?

8 A. I don't have any shares.

9 Q. How many shares of KSK Corporation, right now, does your wife Kim Sung
10 Eun own?

11 A. In the paper 80 percent.

12 Q. You keep saying "in the paper" as if there's some other reality.

13 A. That, I don't know.

14 Q. Is the paper accurate? Let me show you what you've given me and we'll just go
15 off that and introduce it as an exhibit. Okay. This is for the record, a document and Bates
16 stamped 021, it appears to be an annual corporation report for KSK Corporation, filed with
17 the Commonwealth Registrar of Corporations on February 6, 2007. Have you seen this before
18 Mr. Kim?

19 A. Yes.

20 Q. Okay, make sure he's seen that. Now. Correct me if I'm wrong, but this
21 document . . . alright – first of all, your wife signed here at the bottom, is that right?

22 A. Yes.

23 Q. As President.

24 A. Yes.

1 Q. And this was submitted by her as the President of KSK Corporation to the
2 Government of the Commonwealth, right?

3 A. Yes, to the Government.

4 Q. Okay. Is everything that's stated in this document true and accurate?

5 A. Yes, true.

6 Q. It's all true, is that right, that's your testimony?

7 A. Yeah.

8 Q. Okay. This says that there are two shareholders of the company, right?

9 A. Yeah.

10 Q. One of them is your wife, Kim Sung Eun.

11 A. Yeah.

12 Q. And one of them is her mother, Kim Ok Ja.

13 A. Yeah.

14 Q. Okay. Now I just want to talk about your wife first. It says she owns 180,000
15 shares. Do you see where it says that? Down at the bottom here, see that?

16 A. Yeah, yeah. .

17 Q. And you see where it says the total number of shares is 200,000 shares.

18 A. Yes.

19 Q. That's 90 percent.

20 A. Number wise, yes.

21 Q. How did your wife get 180,000 shares of KSK Corporation? How did she,
22 how did she come to be the holder of 180,000 shares of KSK Corporation?

23 A. I don't know about the share, shareholding part at that time.

24 Q. Well this is 2007, right? The date on this document is January 2007, right?

1 A. Yeah.

2 Q. The company was formed in 2003.

3 A. Yeah.

4 Q. My, my question is, how did your wife come to be a, be a 90 per cent
5 shareholder? How did she get her shares?

6 A. These are all just in the documents. I don't know how it was formed at the
7 time.

8 Q. Did your wife pay any money for her shares?

9 A. I don't know.

10 Q. Okay. You already said she didn't have any of her own money, right?

11 A. What do you mean, my wife didn't have any money?

12 Q. What did you mean when you told me your wife didn't have any money of her
13 own?

14 A. I don't understand.

15 Q. Okay. Let's go back. This is going to take a couple of days if we keep going at
16 this rate. How much money did you and your wife bring to Saipan with you?

17 A. A hundred and fifty thousand was invested and maybe cash in 20,000.

18 Q. So approximately \$170,000.

19 A. Roughly, because I received 150,000 US dollar later.

20 Q. Alright. Besides that \$170, 000 dollars, did your wife bring any other money
21 with her?

22 A. Probably not.

23 Q. Did you ever give your wife any of that \$170,000 to buy shares of KSK
24 Corporation?

1 A. I don't know the relationship.

2 Q. I'm not asking the relationship. Did you ever give your wife any money to buy
3 stock in KSK Corporation?

4 A. I don't know.

5 Q. Did you give – I think I understand. This is just the paper right?

6 A. Yes that is the original form of the company. I don't know how it was
7 documented at the beginning.

8 Q. Right. I'm not talking about the documents. I'm talking about money. Listen to
9 me. Did you, or your wife, or your wife's mother ever give KSK Corporation any money?

10 A. All the money that was brought in from the sale of the apartment, was brought
11 in.

12 Q. That was invested in Managaha Shop.

13 A. And then I received the money back and I invested.

14 Q. Okay. There. You took your money from Managaha Shop and you invested,
15 what does that mean to you?

16 A. TRANSLATOR: .. KSK...

17 Q. I didn't say KSK. You need to translate exactly what I am saying and ... you
18 need to listen to what she's saying. If you don't understand what I'm asking then you say that.
19 Don't add things in and don't have dialogue between the deponent okay. You said you
20 invested money, what does that mean?

21 A. I bought machines at the time and invested it for the space and the bank
22 account.

23 Q. Okay.

24 A. At the time.

1 Q. How much total was that?

2 A. It was the 150,000.

3 Q. Is that your money or your wife's money?

4 A. [laughing]. It's in the document it's my wife is the President, but I am the
5 official runner of the business.

6 Q. Why is it your wife's name on there and not your name?

7 A. Because I'm the manager.

8 Q. Why aren't you the President?

9 A. Because of the joint visa situation. The joint visa was issued to my wife and I
10 had a manager's situation, so it didn't work.

11 Q. So let me try and understand that immigration thing now. You are a manager
12 for KSK Corporation.

13 A. Yes.

14 Q. So KSK Corporation is the one that signs your con., your non -- now it's
15 called, it's called a Nonresident Worker Contract for a Manager, right?

16 A. Yes.

17 Q. And that's your wife that signs that paper, right?

18 A. Yes.

19 Q. And you're the sponsor for your wife, is that right, for her IR status?

20 A. Yes.

21 Q. Has the Department of Labor and Immigration ever questioned you about that
22 arrangement?

23 A. No they have not.

24 Q. Okay. So you couldn't be the President because you couldn't, as a contract

1 worker, have a financial interest in a business, is that right?

2 A. That relationship I don't know.

3 Q. What relationship?

4 A. The corporation annual report was formed in that year and it was same ever
5 since, so I don't know the relationship.

6 Q. Well the reason you're not the shareholder is because you couldn't be a
7 contract worker and a shareholder at the same time, right? I'm asking a question.

8 A. I don't know.

9 Q. Okay. Well you said you had to be a manager and your wife's joint visa
10 depended on that. Is that a fair statement of what you said?

11 A. I guess.

12 Q. Okay. Why aren't you the President of the company? He doesn't remember
13 what he answers some of the time.

14 A. At the time they told us no, not to.

15 Q. Who told you not to?

16 A. Mr. Choi Woo Bak.

17 Q. Why did he tell you not to?

18 A. I don't know.

19 Q. Did he tell you why not?

20 A. No.

21 Q. He just said, just do it this way.

22 A. Yes.

23 Q. Was it okay that your wife was going to be the owner, even though you were
24 the one that was running the company?

1 A. That relationship I didn't know, but it was run through from the beginning until
2 now.

3 MS. BUTCHER: It's twenty after. Do you need a break Mr. Kim.

4 MR. HANSON: Do you want to take a break? You want a break, everybody want a
5 break? Okay it's about 22 after 11 and we'll take a ten minute break. Go off the record now.

6 [OFF RECORD – 01:11:42]

7 MR. HANSON: Okay, we're back on the record in the Deposition of Mr. Kim Ki
8 Sung in civil case number 05-0019. The time is 11: 40 and all the same, the deponent Mr.
9 Kim is here with his attorney Kelley Butcher and our translator Mio Kim. Mr. Kim when we
10 left off I was asking about why you aren't a shareholder or the President of the company and
11 how much money your wife paid for the shares of the company. But let me, let me ask you a
12 different question. These papers that this Mr. Choi helped put together to make KSK
13 Corporation. Is that how you intended, when you formed it, did you intend to operate by
14 those documents, or was that only a formality?

15 A. Yes.

16 Q. Yes what?

17 A. As it's written, 18, 180 shares was owned by my wife and 20,000 was shared
18 by my, my mother-in-law.

19 Q. I understand that. But your mother-in-law doesn't have anything to do with
20 KSK Corporation, right?

21 A. She will be because she's a, she's, it's a possibility that she could sign, but
22 that's what is on, on the annual report.

23 Q. I understand. What I'm saying is - never mind this annual report. This is only
24 American law, paper document stuff. Right? What I'm asking you is, your mother-in-law,

1 doesn't have anything to do with KSK Corporation really, does she?

2 A. Well she must be related because when we had, when we were getting the loan
3 she also needed to sign.

4 Q. Okay. She didn't sign anything for the loan, you signed for her didn't you?

5 A. No I didn't sign.

6 Q. Didn't she give you a special power of attorney so you could sign for her?

7 A. Yes, I have the document saying that I have the power of attorney to act on
8 behalf of her, for signing.

9 Q. So she doesn't do anything for the company, does she?

10 A. Yes.

11 Q. Now she doesn't even have to sign because you have the power to sign for her,
12 right?

13 A. Yes, if, if you say so.

14 Q. Do you consult with your mother-in-law about the, when the company is going
15 to close a poker place?

16 A. I will talk about it with her.

17 Q. You call up your mother-in-law in Korea.

18 A. She was also here and I did talk to her.

19 Q. You ask her if that's okay?

20 A. TRANSLATOR: No, I said the economy is not good so we're closing.

21 Q. And you ask her permission to close it?

22 A. Not her permission, but we talked about it.

23 Q. Do you have a meeting, a formal corporate meeting to discuss these matters?

24 A. Not a formal meeting, but talking about it, because it's family.

1 Q. It's family? What is the difference between family and a Corporation?

2 A. What kind of relationship?

3 Q. Okay. Back in 2003, somebody told you, you needed to set up a corporation
4 to do your business, right? Ask him the question.

5 A. Yes, 2003.

6 Q. Okay.

7 A. Can you repeat the question.

8 Q. Back in 2003, somebody told you, you needed to set up a corporation to do
9 your business, is that right?

10 A. Yes.

11 Q. Is that how you, is that how you would have done business in Korea, if you
12 were in Korea?

13 A. That I don't know.

14 Q. You don't know? Have you ever done business in Korea?

15 A. No.

16 Q. How long did you live in Korea?

17 A. Forty-two years, as I was born.

18 Q. Forty-two years.

19 A. Since I was born.

20 Q. And you never did any business in Korea.

21 A. No.

22 Q. This is the first business you've ever owned was in Saipan.

23 A. Yes.

24 Q. Okay. When was the last time you had a corporate meeting for KSK.

1 A. No formal meeting because it's a family.

2 Q. When's the last time you held elections for officers of the corporation of KSK?

3 A. Maybe once or twice, maybe one time before the loan.

4 Q. Okay, one time before the loan you had an election for officers and directors?

5 A. Oh, it's my mother-in-law and my wife.

6 Q. Okay what happened between your mother-in-law and your wife?

7 A. About the loan that we need the loan for the bakery shop and the wholesale
8 and also when we were changing the name of the director from Mr. Choi to my in-law.

9 Q. Whose you're in-law?

10 A. Kim Ok Ja.

11 Q. Kim Ok Ja is the shareholder now, right, that's your mother-in-law?

12 A. In the document, yes.

13 Q. Now you keep saying "in the document, yes." Why do you say in the
14 document?

15 A. Because in reality I don't know.

16 Q. In reality, you don't know?

17 A. I only know the shareholders through the document, but in real life I don't
18 know.

19 Q. So you don't know if Kim Ok Ja really is a shareholder of KSK Corporation?

20 A. Yeah.

21 Q. And you don't know if Kim Sung Eun is really a shareholder of the
22 corporation?

23 A. Yes.

24 Q. Okay. Who, do you really know, do you know if anybody is a shareholder in

1 the corporation, really?

2 A. In reality I don't know, but in the documents.

3 Q. What is reality? Whose company is it in reality?

4 A. Under my wife, but the operation of it is through me.

5 Q. Who is the owner of KSK Corporation really . . . in reality?

6 A. Okay, in the document it's my wife, but I operate the business.

7 Q. I understand that. I'm asking you who, in reality, you use the word in reality,
8 as opposed to in the papers. In reality, who is the owner of KSK. I'm not talking about
9 shareholder, I'm not talking about stock. I'm talking about who is the owner of KSK, really?

10 A. I operate it.

11 Q. Are you the owner?

12 A. Actually through me.

13 Q. And only you?

14 A. Yes.

15 Q. And when your wife and your mother-in-law sign that's because there's, your
16 adviser is telling you or the bank telling you that you need to get these formal signatures,
17 because they're on the papers, right?

18 A. Yes.

19 Q. Okay. But that's only because it's their names on the paper?

20 A. Yes.

21 Q. Alright. [indiscernible]. How . . . so you took the money from, your
22 investment in Mr. Lee's Managaha Shop, you got that back from him. Is that right?

23 A. Yes, then I invested it in...

24 Q. How, when did you take that out of Managaha Shop, when did Mr. Lee give

1 that back?

2 A. 2003, January.

3 Q. Okay and then you used that money? How much money was that?

4 A. Same, 150,000.

5 Q. So you didn't get any return on your money?

6 A. Yes, no interest.

7 Q. No interest?

8 A. No interest.

9 Q. No interest?

10 A. For three years maybe, 1,500 or 2,000. Three, three four months.

11 Q. I'm confused. I am, let me back up. In August or September of 2002 you put
12 this money into Mr. Lee's business, right?

13 A. When I invested that money in August or September, I don't remember exactly
14 which month, but I think I gave some for a few months.

15 Q. Okay. But you put that in August or September 2002 --- 150,000?

16 A. Yeah.

17 Q. Into Mr. Lee's Managaha Shop?

18 A. Yes, I got that invested and I got invested and I got the money back and
19 invested in the poker.

20 Q. Okay. Four months later, you took the same amount of money back from Mr.
21 Lee, right?

22 A. I don't remember exactly how many months, but when I received that money I
23 invested it in the poker place.

24 Q. Got it. But September to January is five months, so four to five months you

1 took the money out?

2 A. It would be about that much.

3 Q. And those four to five months you were working for Golden Bird, right?

4 A. Yes in the Golden Bird.

5 Q. Were you receiving a salary for your work at Golden Bird?

6 A. I don't remember, maybe 1,000, 1,200 a month.

7 Q. Apart from the 1,000 or 1,200 per month salary, were you getting any money
8 from Mr. Lee for your investment in Managaha Shop?

9 A. No.

10 Q. So when you took out the 150,000 in January of 2003, apart from the 1,000, or
11 1,200 a month salary you didn't get any other return on your investment?

12 A. No.

13 Q. You had a contract with Golden Bird, right? Is that right?

14 A. Yes, I believe I have.

15 Q. And the contract was for you to be a manager right?

16 A. Maybe.

17 Q. You don't remember? Before you told me that you were hired as a manager
18 for Golden Bird. You're saying you don't know if the contract was for a manager?

19 A. I should look at it, I don't know.

20 Q. You needed to be a manager at Golden Bird so you could sponsor your family
21 to come, right?

22 A. Um?

23 Q. Okay, when you came here, you had an arrangement with Mr. Lee where you
24 were going to, he was going to say you were the manager and you were making over, say

1 \$20,000 a year so you could sponsor your family to come with you. Isn't that right?

2 A. That, I don't think so.

3 Q. Did you ever talk to Mr. Lee about coming here to work for him?

4 A. Who?

5 Q. Golden Bird, Mr. Lee. You know who we're talking about now?

6 A. Yeah.

7 Q. Did you ever really work for Golden Bird?

8 OBJECTION: Argumentative.

9 A. Yes I was in the office.

10 Q. What did you do for Golden Bird?

11 A. I just went to the office to work, helped.

12 Q. Helped do what?

13 A. I just helped him, whatever, in the office.

14 Q. Like what?

15 A. In detail, no, but I lived together in the office.

16 Q. And what did you do? What were some of your job duties?

17 A. Just the office, the running of the office.

18 Q. But wasn't Mr. Lee the official running of the office?

19 A. Yes.

20 Q. And he also had another Mr. Kim there and he's also an official runner of the
21 office.

22 A. Yes they were short, and he was there consulting.

23 Q. So why did they need you to come and run the office?

24 A. Because the situation where I needed to form the company.

1 Q. Let me, let me break it down for you and it'd be much easier if, you'd
2 remember you're under oath right, if you'd just answer the question truthfully. You need to
3 have a job that allowed you to bring your family with you to Saipan, right?

4 A. Well because the visa situation, I was the manager at Golden. Managaha Shop
5 and that, and then after that we formed a company that how I brought my family.

6 Q. You were never a manager. They only told, they only put that in the papers so
7 that you could have some immigration status, isn't that right?

8 A. No, I also helped.

9 Q. Okay. Then let's go. What day, when you go in the morning, what would you
10 do. What was the first thing you would do when you go into work in the morning?

11 A. I'd just stay in the office.

12 Q. Stay in the office. How many employees did you have in the office?

13 A. Two.

14 Q. What were their names.

15 A. Mr. Kim and Annie.

16 Q. Annie, Annie is the secretary right?

17 A. Annie.

18 Q. Okay

19 A. Yes.

20 Q. Mr. Kim who?

21 A. Kim Young Chun.

22 Q. Kim Young Chun. But isn't Kim Young Chun also a manager?

23 A. I don't know the position.

24 Q. Okay, what did Mr. Kim Young Chun do for you?

1 A. I don't know what.

2 Q. But you're the manager, right? These people work for you?

3 A. That relationship I don't know at the time.

4 Q. Alright, what did you manage, exactly.

5 A. I helped with the, I helped Kim with the documents in the office.

6 Q. What documents?

7 A. Just in the office, because he had a lot of overseas stuff, trips.

8 Q. Mr. Lee?

9 A. Yes.

10 Q. So what, what sort of documents were you working with?

11 A. Just stay in the office.

12 Q. I know you stayed in the office. I'm clear on that. What I want to know is,
13 what, when you were staying in the office, what were you doing?

14 A. Answered the phone and stayed in the office.

15 Q. Alright, besides answering the phones, what else would you do?

16 A. And did a pick up on tourists and also went to touring part of the company.

17 Q. Okay. Were you the boss or Mr. Kim Young Chun, did you tell him what to
18 do, what activities?

19 A. I didn't tell him to do.

20 Q. What about Annie, did you ... her work tell her when she's supposed to work
21 and what she's supposed to do?

22 A. I didn't.

23 Q. Did you, did you decide, oh, did you have check writing authority? Did you
24 have to write checks for the company?

1 A. No.

2 Q. Did you determine what sort of businesses the company was going to do or
3 what they were going to sell? What, what did the company do that you are managing?

4 A. That company was a tourist related business, but I stay in the office.

5 Q. Okay. Who did you manage? Did you manage any employees at all?

6 A. Nothing. No.

7 Q. What decisions were you allowed to make on your own, without asking Mr.
8 Lee?

9 A. Nothing.

10 Q. Okay. So you weren't allowed to make any decisions and you didn't manage
11 any employees. Is that a fair statement.?

12 A. Yes.

13 Q. So, explain to me how it is that you think that that wasn't just a sham
14 employment?

15 OBJECTION: Mischaracterization.

16 A. No sham.

17 Q. That was legitimate, you were really the manager?

18 A. Yes, in the document I'm the manager, but as a friend of him, I just help him in
19 the office and did some pick-up for the tour group.

20 Q. So again we're going to bring up the distinction between the papers and reality.
21 The papers said you were a manager because you needed the visa, right?

22 A. I don't know.

23 Q. The papers said you were a manager, but really you were just helping out Mr.
24 Lee on occasion, is that right?

1 A. You can think like that.

2 Q. No, I don't want to think like that, is that how it was, or is that not correct?

3 A. As a friend I did help, but in the documents.

4 Q. I'm going to ask you again. Were you really the manager of, a store manager
5 of Golden Bird - or was that only for the papers?

6 A. In the documents I was the manager and I helped.

7 Q. But is that real or is that only for the visa?

8 A. At first that was the reason, I needed to help.

9 Q. But then?

10 A. Even the little things only for a few months, I did some pick-ups, answering
11 the phone.

12 Q. But didn't Mr. Lee give you this job and call you the manager, to help you out,
13 to help you get a visa?

14 A. That, I don't know.

15 Q. You never had a conversation with Mr. Lee about that?

16 A. No.

17 Q. Mr. Kim, you invested \$150,000 into Mr. Lee's business, right?

18 A. Yes.

19 Q. Then he gave you a job as – quote: manager of a store, right?

20 A. That, I don't know.

21 Q. You don't know what, that he gave you a job as manager, is that right?

22 A. Yes.

23 Q. But you didn't do anything but answer the telephones and go pick up people at
24 the airport, isn't that right?

1 OBJECTION: Argumentative.

2 A. Yes.

3 Q. I'm trying to decide whether it's worth it to sit here all day until you admit it, or
4 just move on. Can you please translate that. Isn't it true that Mr. Lee gave you the manager
5 job, only so you could get a visa? So that you have some legitimate reason to come and stay
6 in Saipan?

7 OBJECTION: Argumentative.

8 A. That, Mr. Lee might have done that thing as a friend.

9 Q. Was that your understanding of, of what he was doing?

10 A. Yes, that's how I think.

11 Q. Okay. Now you see this, this is your contract, I'll ask you what it is, but for the
12 record it's Bates stamped KSK documents number 543, 544, 545, 546, 547. Just hold it there
13 contract. Have you seen that, that contract before Mr. Kim?

14 A. Yes.

15 Q. Is that your Golden Bird contract?

16 A. Yes that is it.

17 Q. To be a manager at the Golden Bird?

18 A. Yes, as a store manager.

19 Q. Okay. Does that say how much you're supposed to receive as a salary?

20 A. 18, 1800.

21 Q. But you told me earlier that he got a thousand, maybe 1,200 dollars a month.
22 Is that right?

23 A. Yes.

24 Q. Did you ever receive the 1,800 per month that the contract talks about?

1 A. Yes. I don't remember.

2 Q. So you did get 1,800 dollars a month?

3 A. I think 180, I think 1,800, yes.

4 Q. I know the paper says 1,800. I understand. But did you have a separate
5 arrangement with Mr. Lee where he would pay you different than what the paper says?

6 A. 1,800 I think. It's been a while, I didn't remember, but 1,800.

7 Q. Okay. Are you sure you got it? Now you're sure after you see your contract
8 that that's how much you were paid.

9 A. Yes.

10 Q. And you worked on this contract until, did you finish this contract, did you
11 work the whole year, two years?

12 A. Yes.

13 Q. You worked the whole two years until November 2005 for Golden Bird?

14 A. I transferred.

15 Q. You transferred where?

16 A. KSK.

17 Q. Did you do a transfer at Labor?

18 A. Yes, I think so.

19 Q. Do you remember when that was?

20 A. I don't remember.

21 Q. Now this document I want to show you, it's Bates stamped KSK document
22 number 553. Have you seen that before?

23 A. Yes.

24 Q. And is that your signature at the bottom there, where that says "type name"?

1 A. That's my signature.

2 Q. This document appears to say that you're getting renewed...

3 MS. BUTCHER: And for the afternoon session can counsel make sure that there's
4 copies.

5 Q. I mean we can take breaks and I can go make copies if you would like, I don't
6 know if it's, you know, just looking at the document. This was November 2002 when you
7 first came to Saipan, right?

8 A. 2002 what?

9 Q. This was signed in November 2002, when you first came to Saipan, is that
10 right?

11 A. No.

12 Q. Do you see any date on there where you signed? Can you determine from
13 document what day you signed?

14 A. Yes, I signed in 2002.

15 Q. November 2002.

16 A. Yeah, 2002 November 13 when this.

17 Q. Okay, November 13, 2002

18 A. Yes.

19 Q. This says you arrived in the Commonwealth on November of 2001. Is that
20 true? You see here?

21 MS. BUTCHER: [indiscernible]

22 A. I don't know. 2002 in November...

23 Q. [indiscernible]

24 A. Maybe a mistake.

1 Q. Maybe a mistake?

2 A. Yes.

3 Q. Well this is a renewal of an application.

4 A. I wasn't here in 2001.

5 Q. I understand that. But, let me ask you this and we'll come back to that after
6 lunch. This says that you're going to be, you're going to work for JJ Managaha Gift Shop. So
7 you're going to work at the Managaha Shop?

8 A. Probably.

9 Q. So the contract said you were going to be the store manager?

10 A. Yes.

11 Q. And that, and that was going to be for the JJ Managaha Store. Is that right?

12 A. Yes. Yes, I worked at that store for a bit.

13 Q. And a, is the store the same as the office that you still stayed at?

14 A. No.

15 Q. When did you start working for KSK Corporation?

16 A. When the transfer was done.

17 Q. Did you start working for KSK Corporation before you transferred to KSK
18 Corporation?

19 A. Yes, I was involved.

20 Q. Yes you were involved. What does that mean, involved?

21 A. Because the store's opened in two thousand . . . the poker was open in 2003, I
22 was involved.

23 Q. What, what month in 2003 was the store open, the poker?

24 A. February, March.

1 Q. February or March of 2003? Is that right?

2 A. Yes.

3 Q. In a . . . Kelley I can make copies of these for after lunch. Do you want to
4 break for lunch now and then I'll go over some documents, because I want to understand the
5 timing of all this. Are you ready to break for lunch?

6 A. Okay.

7 Q. And we come back here at 1:30, does that sound alright, Mr. Kim?

8 A. 1:30?

9 Q. Yes, okay. The time now is 1:20 --- 12:23 and we're going to take a break for
10 lunch, so we'll go off the record. Thank you.

11 [OFF RECORD - 01:54:01]

12 MR. HANSON: Okay, we're back on the record in the deposition of Kim Ki Sung,
13 the date is April 10th 2008. The time is now 1:36. We had a break for lunch, we're back. Mr.
14 Kim Ki Sung is here with his attorney Kelley Butcher and the translator Mio Kim. Mr. Kim,
15 before we broke I started to talk to you about your contract and your employment, and I just
16 want to clarify some, some, I want to clarify your employment when you first came to Saipan.

17 A. Yeah.

18 Q. Now you said you came to Saipan in November 2002 for the first time for
19 employment, is that right?

20 A. 2002. Yeah.

21 Q. And the only time you'd come before was one time at the end of two thousand
22 and, one time in 2001 for a vacation?

23 A. TRANSLATOR: Yes as a vacation.

24 Q. And that was towards the end of 2001 is that right?

1 A. No, July.

2 Q. July 2001?

3 A. Maybe.

4 Q. Around the middle of 2001, is that right?

5 A. About July, in the middle.

6 Q. Okay. And that was only for a vacation, right?

7 A. Yeah.

8 Q. How long did you stay then, for that vacation?

9 A. Four days. Five days, four nights.

10 Q. And I believe you testified that, with the exception of that vacation, you had
11 never come to Saipan before, or after?

12 A. Yes.

13 Q. Until you came on November 2002, permanently?

14 A. Yes.

15 Q. Okay. And then in Mar., in February 2003, you opened the KSK Corporation,
16 is that right?

17 A. Yes.

18 Q. And in March 2003 you opened your first poker parlor?

19 A. Yes

20 A. I believe so.

21 Q. And so, when, when was the first date where you started working as the
22 General Manger for KSK Corporation?

23 A. When I transferred about 2005.

24 Q. Okay. Who was managing KSK Corporation before 2005?

1 A. Nobody. Nobody on record, but I oversee.

2 Q. Who was controlling the operations of KSK Corporation before 2005?

3 A. I was involved.

4 Q. Was there anybody else involved in the operations of KSK?

5 A. Nobody.

6 Q. Okay, and by, in 2004 – let's just take that year. Let's say, how many poker
7 places had you opened by January 2004, under KSK's corporation?

8 A. Two, maybe in 2004 two, one, I don't know, two.

9 Q. Did you have, did KSK Corporation have any other businesses?

10 A. No.

11 Q. When a, you stated that in, when you came here in 2002, you were helping Mr.
12 Lee with his business?

13 A. Yeah.

14 Q. When was the last time that you provided assistance to Mr. Lee and his
15 business Golden Bird?

16 A. About when I transferred.

17 Q. So you were still helping Mr. Lee in Golden Bird until 2005?

18 A. Yes and at the same, same time I was helping KSK operating.

19 Q. Okay. In 2004, what services were you providing to Golden Bird Corporation?

20 A. I go to the office, I pick up the tourists and I go to the Managaha Shop.

21 Q. Would you pick up tourists every day?

22 A. No, not.

23 Q. How, how often would you pick up tourists?

24 A. Maybe twice a week.

1 Q. So two times a week you would go to the airport and pick up tourists?

2 A. Yes.

3 Q. And then where would you take them?

4 A. Up on Capitol Hill where they have a cultural show.

5 Q. Would you drop them there and wait for them, or just leave them there?

6 A. I wait until they're done and then I pick them up again.

7 Q. And then where did you take them?

8 A. Then if I had that kind of job, I do the same.

9 Q. You didn't answer my question. I'm sorry. Let me make, let me rephrase it,
10 maybe you didn't understand. After you picked them up, after you, they finished their, the
11 cultural show, where did you take them?

12 A. Afterwards, after they're done, to hotel.

13 Q. The same hotel every time, or a different hotel?

14 A. There was Hafa Adai Hotel. Grand Hotel.

15 Q. And were you driving a van or a bus?

16 A. Van.

17 Q. A van. The van owned by Golden Bird Corporation?

18 A. I believe so.

19 Q. So how long would that take to, to pick them up? Did you pick them up at the
20 airport, take them to the cultural show and then take them to the hotel? How long would that
21 take?

22 A. Okay. I will pick them up from the restaurant where the Golden Bird owned
23 before, and then I'd bring them to the cultural show, and then bring them back to the hotel.

24 Q. Okay. And how long would that take?

1 A. Maybe an hour, an hour and a half.

2 Q. And you would do that two times a week, on average?

3 A. Not exactly two – there were two or three days a week.

4 Q. Okay. And besides that, in 2004 what else would you do for Golden Bird
5 Corporation?

6 A. Go to the office and then I worked for the KSK.

7 Q. So you were working, you were doing your management, managing of KSK
8 out of Golden Bird's office, is that right?

9 A. I believe so.

10 Q. So what I'm asking you is, not what you did at Golden Bird managing KSK,
11 but what you did at Golden Bird managing Golden Bird. What, what...?

12 A. I already told you, partially I will pick them up.

13 Q. From what you said that's two to three hours a week?

14 A. Yes.

15 Q. What else did you do for Golden Bird?

16 A. Just partially.

17 Q. Did you pay Mr. Lee in Golden Bird or Golden Bird for the use of his office
18 to, as an office for KSK Corporation?

19 A. No.

20 Q. Did Mr. Lee pay you a salary still in 2004?

21 A. Not continuously, some, some months he will, some months he won't.

22 Q. How much would he pay you, some months?

23 A. Sometimes 1,000, sometimes 1,500.

24 Q. Do you have records of the salary that you were getting paid by Golden Bird?

1 A. No.

2 Q. Did, were you paid by check or were you paid in cash?

3 A. Cash.

4 Q. Did your salary depend upon the work that you were doing or just the
5 availability of Mr. Lee's cash.

6 A. Because he's a friend I was helping.

7 Q. I understand, but weren't you also supposedly the manager, still?

8 A. Store manager.

9 Q. Store manager of Managaha Store?

10 A. Yeah.

11 Q. And that's this Daora Managaha Store, different store, same but not same? I'm
12 sorry.

13 A. Different.

14 Q. But you didn't actually work at the, at the Managaha Store, you were in the
15 office?

16 A. I will go to the shop every now and then.

17 Q. What would you do when you would go into the shop?

18 A. I'd pick up some of the things the tourists asked.

19 Q. Did the stores have merchandise for sale?

20 A. Cake, drinks, goggles, tubes...

21 Q. Did it sell other things like food, snacks, photos?

22 A. Drinks.

23 Q. Okay. Did it have any . . . was it a retail merchandise store also?

24 A. Clothing. Swimming suits.

1 Q. And those were all for sale?

2 A. Yes.

3 Q. Who was responsible for ordering those things for sale, for finding suppliers?

4 A. I don't know any detail.

5 Q. Who was responsible for the cash deposits and other things that were
6 generated from the operations of the Managaha Store?

7 A. I don't know.

8 Q. You don't know who was responsible for the cash, the deposits that were made
9 from the sales that were made every day from the store?

10 A. No.

11 Q. So you weren't really the manager of Managaha Store, were you?

12 A. Yes, store manager, but I don't know I didn't get to...

13 Q. I understand the papers say that you were the store manager of Managaha
14 Store. I understand that. What I'm saying is, that was only the papers. In reality you weren't
15 the manager, were you?

16 A. You can think so.

17 Q. I don't want to think so, is that the truth, or is that not the truth?

18 A. It's not true, but because he was a friend, I will help every now and then, but I
19 wasn't overseeing the whole operation.

20 Q. Were you overseeing any of the operation?

21 A. As the Director will ask, I will help him.

22 Q. Pick up people from his restaurant and take them to the cultural center and
23 then the hotel?

24 A. Yes.

1 Q. Were there other people that he had do that also?

2 A. No.

3 Q. You were the only one that would pick up people and take them to the cultural
4 center?

5 A. It's a partial. I don't know.

6 Q. I don't understand the answer. Was there anybody else that had that job?

7 A. Maybe.

8 Q. Like on some other days that you didn't go pick up people, was there
9 somebody else from Golden Bird going to pick up people?

10 A. I believe so. There was also other family members of that person.

11 Q. Of Mr. Lee?

12 A. Yes, his family.

13 Q. Okay. But, is it fair to say that most of the time that you were at Golden Bird
14 you were actually working, doing work for, business of KSK?

15 A. Yes.

16 Q. Okay. And in fact you didn't, you didn't transfer to KSK until November 2005,
17 is that right?

18 A. Yes.

19 Q. I completely spaced making copies. I'll have my staff make copies and bring
20 them in. [talking to staff – indiscernible]. I'm sorry. I just ran into the door. Is that about
21 right, about November 2005?

22 A. Yes.

23 Q. And you transferred to KSK Corporation after your, after your contract with
24 Golden Bird expired, is that right?

1 A. Yes.

2 Q. Why didn't you transfer to KSK Corporation in 2003?

3 A. I didn't know about that visa situation.

4 Q. Who is the one that did this visa situation for you?

5 A. A employee.

6 Q. What, whose, what employee?

7 A. Ann.

8 Q. Annie?

9 A. Yeah.

10 Q. Annie, the employee of Golden Bird?

11 A. Yeah.

12 Q. So she processed your papers for you to be an employee of Golden Bird, is
13 that right?

14 A. Annie worked on the processing. It will be the owner who processed it.

15 Q. So Annie prepared the documents?

16 A. Yes.

17 Q. And you don't know why Annie didn't have you transferred to KSK
18 Corporation in 2003?

19 A. That, I don't know why she didn't tell, tell me. It should have been 2003, but I
20 don't know why she waited that long to tell me.

21 Q. But you knew this whole time that you had a contract under Golden Bird
22 Corporation, right?

23 A. Yes, I know I was under Golden Bird.

24 Q. And, your entry permit said Golden Bird Corporation on it?

1 A. Yes.

2 Q. But you were really working for KSK Corporation?

3 A. Yes.

4 Q. Something's confusing me and maybe you can help me explain, but in 2..., in
5 November 2002, your contract with Golden Bird was renewed?

6 A. Renewal?

7 Q. Renewal.

8 A. Yeah. I don't know why it wasn't transferred, but renewed.

9 Q. It was renewed because you had the contract first, November 2001.

10 A. That, I don't know about in detail.

11 Q. You don't remember signing a contract in 2001 with Golden Bird?

12 A. I don't remember.

13 Q. Did you like, you said you'd known Mr. Lee for 25 years; he's been your
14 friend, right?

15 A. Since the college.

16 Q. Had you worked out this arrangement with Mr. Lee where you would come
17 and be sort of an employee of Golden Bird and bring your family while you set up your own
18 business? Had you worked that arrangement out before you came to Saipan?

19 A. I did talk about that before . . . about the documents.

20 Q. And did he, have you, or did somebody have you sign documents while you
21 were in Korea, in 2001, to sort of start that whole process?

22 A. Not in 2001, not.

23 Q. Are you sure?

24 A. Yes.

1 A. I clearly 2002, I was, I was still working in 2001.

2 Q. Oh, we just split 'em up. Okay, hang on just a second. I gotta just figure out
3 what you did. I was just hoping that you were just put them all together, but I can do that.
4 Okay. Thanks. Alright Mr. . . . take this off. I'm going to show you what I've . . . we'll just
5 refer to in, for the record . . . there you go Kelley. There's a packet of documents. When we
6 talk about the documents, all were . . . you will notice that each one has a number at the
7 bottom, KSK document number that. That's how we, we put these numbers on here to
8 identify these documents. Okay. So when we refer to documents like this first document –
9 I'll say this first document is KSK document number 557. Can you look at the next document,
10 which is the second page of the first document, and it's KSK document 558? Can you look at
11 the next page? Do you see at the bottom there, do you see your signature on that?

12 A. Yeah.

13 Q. Do you know what date you signed that?

14 A. There should be a, there should be a date, why is it on January 1st 2001?

15 Q. Okay, October, that's from the file 2001? Well here, maybe this will solve
16 your confusion. Turn to the next document --- 559. The next page is the notarial certificate
17 from Korea for your signature. What does that say? It's in Korean and in English.

18 A. 2001.

19 Q. Right.

20 A. Maybe I'm confused.

21 A. DEPONENT (in English): 2001, yeah, mistake, me make mistake. I think no,
22 yeah, yeah, yeah. Two thousand. Me mistake, yeah, yeah, yeah. Thousand...

23 A. TRANSLATOR: He may have made, I got wrong.

24 A. DEPONENT (in English): Made mistake, yeah. The US, made a mistake,

1 yeah. Wife checking. Me mistake.

2 Q. So you now you, what do you mean mistake? When you say mistake, what
3 mistake?

4 A. DEPONENT (in English): 2000, 2001, 2002 mistake. 2001.

5 A. Year 2002 and 2001. It's been so long, I couldn't remember it.

6 Q. So, what, what's your mistake that you ...

7 A. Confused about the year.

8 Q. The year that what? That you arrived in Saipan?

9 A. 2003, 2004, 2005, 2006, 2007, it's been five years. Maybe I sent this in 2001.

10 Q. Let me ask you this, and this might help a little bit more. Although I think we
11 went through this before. Mr. ... let me ask you a question, and can you translate what I just
12 said. Let me, let me ask you a question. You ... how long after you first came to Saipan ...

13 A. Yes.

14 Q. Was it that you formed KSK Corporation?

15 A. About the middle I opened up in 2003, February. That means, I, I came here
16 in 2001, in November. I don't remember. I have to check.

17 A. DEPONENT (in English): Yeah, let me check.

18 Q. The difference is a year right. Before you were talking about how you'd put
19 money in, in September of 2001. I mean September 2002 into Managaha Shop. And taken it
20 out four to five months later to form KSK Corporation.

21 A. That is true, but I guess I was confused with the date, year. I'll check.

22 Q. What I'm saying is the difference is a year. So instead of being four to five
23 months of your money being in Managaha Store, it's 16 to 17 months. Do you remember how
24 long you had invested that \$150,000 in Mr. Lee's Managaha Store?

1 A. I sent the documents in 2001. I got confused.

2 Q. But you said before you didn't sign any documents in Korea, right?

3 A. No, but I was confused with the year. But that's the truth. I think I was
4 confused.

5 Q. What's the truth, you came here in 2001?

6 A. The document was sent in 2001.

7 Q. But when did you come to Saipan?

8 A. I don't know, maybe 2001. Maybe 2001.

9 Q. When did you sell your apartment in Korea?

10 A. 2001? When was the President No [phonetic] elected as the President?

11 Q. Which President?

12 A. President No [phonetic]. With the house, the real estate price went up, 2003 –
13 2004, 2001, I got confused.

14 Q. Well your wife says it's by 2002 also.

15 A. Maybe we're both confused about the year. We'll check.

16 Q. Alright, if you can look. I mean if you look at document number 555. You see
17 those, number 555.

18 A. Yeah.

19 Q. 555, it should be there. Okay. Now you have 555. That's your . . .

20 A. DEPONENT (in English): Expired

21 A. TRANSLATOR: I got confused with the year, it was 2001.

22 A. DEPONENT (in English): Oh, one year mistake. Ha.

23 Q. One year mistake?

24 A. DEPONENT (in English): Yeah.

1 Q. Now for the record, five, document number 555 appears to be an authorization
2 for entry for Mr. Kim, Ki Sung Kim, issued day 11/16/2001, expires 11/16/2002, Employer
3 Golden Bird. Occupation, Store Manager. The document does, as they say, speak for itself.
4 Now, you eventually transferred, if you look at document number 54, sorry, 530. It's later on
5 but, no, no it's out of order, it's in the back. There, there, there, yeah. 530, 530. Yeah, 530.
6 Alright. Document 530, that's your contract for KSK Corporation, right? It's actually 530,
7 531, 532, 533, 534. Those make up your employment contract with KSK Corporation, is that
8 right?

9 A. Yes.

10 Q. As the general manager?

11 A. Yes.

12 Q. You'd actually been the general manager, before this contract, right?

13 A. At KSK?

14 Q. Yes at KSK.

15 A. Yes, I operate it.

16 Q. Okay.

17 A. TRANSLATORI think I was confused with one year. Truthfully mistaken one
18 year.

19 Q. About 2002 and 2001?

20 A. Yeah.

21 Q. Don't worry about that. We'll move on. That's alright. This contract was
22 signed, this contract was approved by the Director of Labor on December 19 2005. Is that, is
23 that your recollection?

24 A. This is, is that for the visa?

1 Q. ... if you look 534, well, yeah this is how you get an entry permit. 534, no one
2 more. There you go, you see down at the bottom there where it says approval?

3 A. Yes, same date.

4 Q. And, and your wife is the one that signed for the company, and your, and
5 your....

6 A. And I also signed.

7 Q. Okay. Alright.

8 A. But a one year's mistake.

9 Q. Don't worry about that. You don't have to talk about the one year mistake.

10 A. Yeah.

11 Q. We're alright. Okay. Let me just try to move on. So you're, by the time . . . so,
12 but I do - alright I do need to go back and clarify something. You put, you now believe that it
13 was 2001 that you put in the \$150,000 in the Managaha Shop, is that right?

14 A. 2001.

15 Q. And you didn't take that money out until right before you started KSK, is that
16 right?

17 A. Yes.

18 Q. So you basically were invested in the Managaha Shop with Mr. Lee for 16 to
19 17 months?

20 A. I believe so. Because of the years have moved, so it's more than one year. So
21 the term is different.

22 A. DEPONENT (in English): Mistake, yeah.

23 Q. And in that time you didn't get any interest on your \$150,000, right?

24 A. Every now and then, received some money.

1 Q. But that, Mr., Mr. Lee basically gave you this manager position and then
2 would give you money and that was your interest on your investment?

3 OBJECTION: Mischaracterizes testimony.

4 MR. HANSON: I'm asking a question.

5 A. As I recall, if the business wasn't good then he will pay me as, as a salary.
6 When the business was good he would pay me as an interest.

7 Q. If the business wasn't good he would pay you as salary, how much?

8 A. TRANSLATOR: 1,000 or 1,200 or 1,500.

9 Q. When business was good and he was paying you on your investment, how
10 much would he pay you?

11 A. It was, there would share of the profit. They would share the profit of the
12 company, because I invested. Not that much money.

13 Q. So you would share the profits of the company?

14 A. Of the Managaha Shop.

15 Q. So, can you tell me an instance of a payment that you received from Mr. Lee
16 for your share of profit in the good times?

17 A. It'd be the half, half of the profit that was made.

18 Q. So and, can you tell me, one, like an example, not an example, but one
19 instance, how much money you received at what time?

20 A. One was a lot, maybe 2,700. But then business wasn't so good.

21 Q. So the 2,700 would be for business, your share of business that was brought in,
22 in what sort of period of time, one month or...?

23 A. One month.

24 Q. Alright. And then you took your entire 150 out in March, in about February,

1 February – when did you take your money out, the 150?

2 A. I'm confused with the year before I open up the poker place.

3 Q. The KSK Corporation, you formed it, made the corporation papers in February
4 2003, right?

5 A. So before.

6 Q. So before you made the papers for KSK Corporation?

7 A. Yes, I believe so.

8 Q. How, how long before, one month before or immediately.

9 A. All I remember is I know I received it before that, that's why he was
10 reinvested, to open the, establish the KSK.

11 Q. But you don't remember how long before you established KSK that you got
12 your investment back?

13 A. Maybe one month.

14 Q. Okay. And did you take the whole \$150 and invest it in KSK Corporation?

15 A. Yes.

16 Q. And you used that \$150,000 dollars to buy poker machines, and what else?

17 A. Renovate the interior . . . the space rental deposit.

18 Q. Okay. And how much money, did Mr. Choi – I don't want to go over this
19 again, I just wanted to clarify. Mr. Choi, who was the . . . I'm sorry. Choi, Choi, Choi, Choi,
20 not the one – Yeah. Mr. Choi Byung Kook, yeah. Did he put any money into the KSK?

21 A. No.

22 Q. Kim Ok Ja, did she put any money into KSK?

23 A. Just the name on it.

24 Q. Just name only in the papers, but no money, no investment?

1 A. No.

2 Q. Okay. Let's talk about Kim Hang Kwon. When did you first meet Mr. Kim?

3 A. When I came here.

4 Q. In 2001?

5 A. TRANSLATOR: 2003, 2002, 2003. I think 2003.

6 Q. Did you already, had you already started KSK Corporation?

7 A. Yes.

8 Q. Okay. And how did you meet Mr. Kim?

9 A. He came to me through somebody who knew me.

10 Q. He came to you for what purpose?

11 A. To introduce himself, together with a friend of his.

12 Q. Why?

13 A. Because it was the same sort of business, he came and they had lunch or
14 dinner together.

15 Q. Mr. Kim had a similar business to yours?

16 A. Yes.

17 Q. Well who is this friend that he came with?

18 A. He may not be here. He's not here, he's probably in Korea. They had a poker
19 place in Garapan, but it's closed and he left for Korea.

20 Q. What's his name?

21 A. Mrs. Moon.

22 Q. Mrs. Moon? Okay. So Mr. Kim and Mrs. Moon came and saw you and had
23 lunch with you?

24 A. Yes. Maybe we had, maybe they came, maybe they came to my poker place.

1 Q. Did they want to do business with you? What was the purpose of their visit?

2 A. Just to introduce themselves because they're good people.

3 Q. Did they ask you for money?

4 A. No.

5 Q. Okay. And so did you develop a friendship with Mr. Kim?

6 A. Yes, we played golf together.

7 Q. How often would you play golf together?

8 A. I don't remember. When he called we'll go.

9 Q. Was that once a week or once a month?

10 A. DEPONENT (in English): Sometimes one week two times or three times, you
11 know.

12 Q. So two or three times a week you would play golf with Mr. Kim. Kim Hang
13 Kwon?

14 A. Yes maybe.

15 Q. And about Mrs. Park, you knew his wife, Park Hwa Sun?

16 A. Yes I knew her, it was his wife.

17 Q. How did you know his wife?

18 A. Because they came together.

19 Q. Came together where?

20 A. When they came to me.

21 Q. How, came, came to you, to you how, your house or...?

22 A. To the poker.

23 Q. They'd come, they'd come together to visit you?

24 A. Came with me to introduce.

1 Q. So Mr. Kim was with Mrs. Park and Mrs. Moon?

2 A. \Yes.

3 Q. Other than that first time that you met them, had you had an opportunity to be
4 around Mrs. Park? Park Hwa Sun?

5 A. I don't remember meeting his wife. I didn't play golf together.

6 Q. You met her the first time that you met Mr. Kim?

7 A. Maybe a few times more.

8 Q. Okay. But you knew Mr. Kim? You played golf with him two or three times a
9 week.

10 A. Yes.

11 Q. Did you ever have an opportunity to go into business with Mr. Kim for any
12 reason?

13 A. Not in business together, but when, when there was a Daora Poker he told, he
14 told me that there is a good spot for a poker space, so maybe you should look into it.

15 Q. Okay. And then what happened?

16 A. Then I invested, but they moved the space, so after three to four months the
17 place wasn't doing good so they closed it. So I got damaged from that.

18 Q. How did you get damaged from that?

19 A. Because the business wasn't good. The poker wasn't doing good.

20 Q. How much money did you pay to open up and operate the poker place, Daora?

21 A. Together with Mr. Kim, in that three month period maybe damages, \$350,000
22 together.

23 Q. In, in three months?

24 A. Three months, four months that's correct.

1 Q. Now when you say damaged, does that mean you lost 350 to 400 thousand
2 dollars?

3 A. Yes, together. He operate, only the investment that I made.

4 Q. I understand. You put in, you lost, you, your wife and your company KSK,
5 you lost \$400,000 in three months in this investment? In this partnership? In Daora Poker?

6 A. Not, not 400,000.

7 Q. How much?

8 A. 300 . . . 35,000.

9 Q. Okay.

10 A. 35,000. He operated. 35,000 lost.

11 Q. You paid \$35,000 in, or you lost \$35,000?

12 A. I paid the tax. It was lost on the tax. I forgot.

13 A. DEPONENT (in English): Damage. Mr. Kim good location. Mr. Kim
14 invested. Damage. Problem then close.

15 Q. How much money did you put into Daora? How much money did you spend
16 on, on that venture?

17 A. About 12,000.

18 Q. You put in \$12,000, is that right?

19 A. Yes, half and half, so it must have been 12,000.

20 Q. So you put in 12,000 and Mr. Kim Hang Kwon put in 12,000?

21 A. Oh, he didn't have the money so I invested the same amount as his investment,
22 but I didn't receive it back.

23 Q. So how much was that?

24 A. So 24,000.

1 Q. So you put in \$24,000, 12 for you and 12 for Mr. Hang Kwon?

2 A. As I recall it was 24,000 altogether.

3 Q. Whoa. Let's see if I can ask you a question? You, you bought, you paid
4 \$24,000 for poker licenses right?

5 A. Yes.

6 Q. And you used Annie from ...

7 A. DEPONENT (in English): yeah, yeah, yeah, yeah, yeah, I know... okay.

8 Q. Is that right.

9 A. DEPONENT (in English): Yeah, alright.

10 Q. Yeah, yeah, so you remember now.

11 A. DEPONENT (in English): Yeah, yeah.

12 Q. Okay. So you, \$24,000 you charged on Amex card?

13 A. DEPONENT (in English): Yes, yes, yes.

14 Q. Of Annie, the Golden Bird....

15 A. DEPONENT (in English): Golden Bird.

16 Q. Besides that \$24,000, what other money did you put into Daora Poker?

17 A. Other ... investment was the tax.

18 Q. What about the tax?

19 A. The poker tax.

20 Q. How much was the poker tax?

21 MR. HANSON: The jackpot tax? Alright translate what he was saying.

22 A. Anyway I need to receive to, 24,000 from Mr. Kim.

23 Q. Right, but wasn't half of that your investment?

24 A. No, I find the tax twice, 12,000 and 12,000.

1 Q. Right. You paid \$24,000 twice?

2 A. 12,000, 12,000.

3 Q. Right. You paid 12,000 for you and you paid 12,000 for Mr. Kim Hang
4 Kwon, right?

5 A. No, no, twice for Mr. Kim, Kim Hang Kwon, but I paid it twice for him.

6 Q. How many times did you pay it for your investment?

7 A. Half and half.

8 Q. What was your investment?

9 A. Half and half.

10 Q. Half of what?

11 A. The machines they were eight machines. Four machines for me, four
12 machines for Mr. Kim. So it must have been 12,000 each.

13 Q. Right. So if 12,000 from Mr. Kim and 12,000 from you, why does he owe you
14 24,000?

15 A. I'm saying 24,000 was paid for the tax. I don't remember.

16 A. DEPONENT (in English): 24,000 Mr. Kim give me money, no.

17 Q. But wasn't half of that your investment?

18 A. 24,000, 24,000.

19 Q. Right there's only 24,000 total that you, that you paid for poker licenses, is that
20 right?

21 A. As I recall, I paid the tax twice amount to two thousand four, 24,000, but I
22 didn't receive it back.

23 Q. Right, now that is licenses, but then you guys split 50/50 all of the revenues
24 from the poker, that's right?

1 A. No, no, we were minus. Because Mr. Kim was taking care of the machines. I
2 was just operating.

3 Q. You were minus, what does that mean?

4 A. No business, the location wasn't good. Because they, because we moved the
5 place from San Antonio to Chalan Lau Lau, across Korea Hardware. In front of Korea
6 Hardware. What's the name of the area?

7 Q. Chalan . . . In front of Korea Hardware? It's still Chalan Lau Lau. Chalan Lau
8 Lau.

9 A. Chalan Lau Lau.

10 Q. Gualo Rai, Gualo Rai.

11 A. Gualo Rai.

12 Q. It doesn't matter. I know what you're talking about. But that, no, that's not my
13 question. My question was, when you said negative, does that mean that you had to pay out,
14 the company lost money?

15 A. Mr. Kim had lost money because he had to invest more money.

16 Q. Kim Hang Kwon invested more money than you?

17 A. No.

18 Q. Kim Hang Kwon had to pay for the losses of the company?

19 A. No. He just said he would pay back and then ...

20 Q. So that it records properly, wait until he finishes talking before you, if it hasn't
21 finished talking it could become a problem. So, what did you just say?

22 A. He kept saying he will pay back but he hasn't paid back.

23 Q. But, no, no. Alright, I'm going to try to draw this out for you so we can get a
24 clear picture. Because I don't understand again and it's kind of important. Alright. You've got

1 company – Daora, right? Are you with me so far? And for the record, I just drew a circle
2 with Daora in the middle of it. And we've got two people, Kim Ki Sung and Kim Hang
3 Kwon.

4 A. [coughing] Sorry.

5 Q. Right.

6 A. Yeah.

7 Q. You guys formed this business called Daora Poker.

8 A. DEPONENT (in English): Kim Hang Kwon, me no.

9 Q. Well wait, you put in \$24,000, you used Annie's credit card and you buy the
10 poker licenses, right?

11 A. DEPONENT (in English): Yeah.

12 Q. 24,000 in.

13 A. DEPONENT (in English): Yeah, yes.

14 Q. Is that right?

15 A. DEPONENT (in English): Yes, yeah.

16 Q. But this was 12,000, this worked out to 12,000 for you and 12,000 for Mr.
17 Kim, is that right? Is that right? You paid your 12,000 and Mr. Kim's 12,000 you put into
18 Daora?

19 A. No, I paid the tax on behalf of Mr. Kim Hang Kwon, but they both came from
20 me.

21 Q. But you said before, 50/50.

22 A. Yes. I had lost 24,000 because I paid both times.

23 Q. You paid 12,000, once?

24 A. So I said since it's 24,000 later I told, I told Mr. Kim that he needs to pay me

1 with interest a total of 26,000.

2 Q. Okay. We're getting ahead of ourselves. I want to figure out how much you
3 paid first. You paid \$12,000 for licenses and then you paid another \$12,000 at some time
4 later for licenses, is that right?

5 A. I just remembered 24,000 together.

6 Q. Total?

7 A. Yes.

8 Q. For both you and for Mr. Kim Hang Kwon?

9 A. Yes, two Mr. Kim, but I never received it back.

10 Q. I'm not talking about that. I'm talking about paying first, this don't - you're
11 jumping ahead, just slow down.

12 A. 24,000.

13 Q. I'll draw it again. Okay, Kim Ki Sung, Kim Hang Kwon. Kim Hang Kwon is
14 going to put 12,000 in for the poker license and you're going to put 12,000 in - this is how it's
15 supposed to be right? That's how it was to start.

16 A. I don't know how we decided...that was all, things didn't go well, I just wanted
17 to end, just give me the interest, we'll just end this, so he still owes me 24,000.

18 Q. Bear with me here. This is going to take all day Mr. Kim, please. Mr. Kim
19 couldn't afford, Kim - Kim Hang Kwon couldn't pay the 12,000, so you paid for him also
20 another 12,000 right? Is that how it worked? So he didn't pay the 12,000, you paid two
21 times?

22 A. Anyway, I put in 12,000, 12,000. So together 24,000.

23 Q. Okay. And you never got any - you never got that 24,000 back, right?

24 A. Yes.

1 Q. Did you ever pay Annie back the 24,000 for her credit card?

2 A. Yes, I think so.

3 Q. Where did that money come from?

4 A. I paid off. I needed to pay back because of the credit card situation.

5 Q. Okay, where did the money come from to pay Annie back?

6 A. KSK.

7 Q. Now, Daora instead of making money, if it had made money, plenty money
8 you and Mr. Kim were going to split 50/50, is that right?

9 A. That's how Mr. Kwon talked to me about it.

10 Q. Is that what you, did you and Mr. Kim Hang Kwon agree to?

11 A. Yes, at the beginning.

12 Q. Okay.

13 A. He would operate without the contract. Just a verbal agreement.

14 Q. Correct. But the problem is that it didn't do well, business was no good, and it
15 lost money, right?

16 A. Yes.

17 Q. How much money did Mr. Kim have to put in to cover the losses?

18 A. That I don't know. Maybe 15,000, because he operated it.

19 Q. I understand. But you think he maybe had to put about \$15,000 into Daora to
20 cover losses?

21 A. Yes he, he may have lost about ... maybe every month about 10,000.

22 Q. How many months was it open?

23 A. About three and a half, maybe four months.

24 Q. So isn't that almost 40,000 that he would have had to have put in?

1 A. Anyway, he was the one who was operating, so I don't know.

2 Q. So you guys are . . . Alright. So then you, you never got any, did you ever get
3 any money back from Daora?

4 A. No, none.

5 Q. But when you closed it you said there were, you testified before there were a
6 bunch of coins, you guys took those and split them, right?

7 A. Mr. Kim Hang Kwon took care about that.

8 Q. He took everything?

9 A. DEPONENT (in English): Yes, don't touch.

10 Q. You don't touch anything?

11 A. DEPONENT (in English): No.

12 Q. So that's, you say while you didn't get any money back from Daora so he owes
13 you the \$24,000?

14 A. I told him that since 24,000 was put in, I want you to pay me 24,000 plus the
15 interest which will be 26,000.

16 Q. 2000, \$2,000 on interest of \$24,000

17 A. Yes, yes.

18 Q. For four months. Is that what you're saying?

19 A. Yes.

20 MS. BUTCHER: Maybe time for a break?

21 TRANSLATOR: He's just checking because he's got an appointment at 4.

22 Q. That's like 32 percent by the way. 32 percent. Okay. When was it that you and
23 Kim opened Daora Poker? Month and days, I mean month and years.

24 A. 2005?

1 A. DEPONENT (in English): 2005, 2005 maybe, I don't know. 2005 maybe.

2 Q. Sometime in 2005. Do you need to take a break? Anybody need to take a
3 break? I know you need to...?

4 A. Maybe about five minutes, a five minute break.

5 MS. BUTCHER: Five minute break.

6 Q. Five minutes. Okay the time now is 2:48, we are going to take a, a five minute
7 break and go off record.

8 [OFF RECORD – 03:06:38]

9 MR. HANSON: Okay, we're back on the record in the deposition of Mr. Kim Ki
10 Sung in the civil case number 050019, after a short break. The time is about 2:58. This is
11 Mark Hanson again conducting the deposition and Mr. Kim Ki Sung is here with his attorney,
12 Kelley Butcher, and the translator Mio Kim. Mr. Kim I want to ask you about your loan to
13 Mr. Kim and Mrs. Park. How did you come to loan Mr. Kim \$100,000?

14 A. 60,000 was from, from the Kea... 40,000 was from the cash that I had.

15 Q. Where did you get the 40,000 cash?

16 A. It was the money that I had at the house.

17 Q. Where did you get . . . how did the money get into the house?

18 A. Part from the company and part from the money that I have.

19 Q. Okay. When you say part from the company, that's part from KSK
20 Corporation?

21 A. Yes, part of it.

22 Q. How much of the \$40,000 came from KSK Corporation?

23 A. I don't know exactly.

24 Q. Was it a lot of money from KSK Corporation?

1 A. No, just a part.

2 Q. Part. Well, alright, it was all in your house at the same time though, right?

3 A. Yes.

4 Q. You didn't write a check for . . . on a KSK check for part of the money, did
5 you?

6 A. No, only cash.

7 Q. Was the cash in your house you were gonna save for something?

8 A. She got . . . big bag.

9 Q. Big bag. One bag or two bags?

10 A. One bag.

11 Q. Do you it separated inside the bag, to say like this KSK money, and this is
12 money I already have?

13 A. Together.

14 A. So, you just have money and you put KSK money in with that?

15 A. Yes.

16 Q. And that's why you can't tell how much was KSK's money and how much was
17 your own money?

18 A. Yes, I don't know that.

19 Q. Remember, wait till he's finished talking. . .

20 A. Yeah.

21 Q. . . . before you translate. So can you say that again?

22 A. Because it was partially in the purse together. I don't know how much was
23 from the KSK and how much from me.

24 Q. Okay. The part that was from you, where did that come from?

1 A. Part from Korea . . . that my wife knows it was sent from my wife's sister.

2 Q. So this is part of the money that you left with Kim Sung Hee, in Korea, from
3 the apartment sale?

4 A. DEPONENT (in English): Yes it is.

5 A. Yes, probably.

6 Q. How much money did you get from Kim Sung Hee?

7 A. That I don't know, my wife, my wife knows.

8 Q. Your wife doesn't know? She said you'd know.

9 A. It was sent, little by little, whenever we need it, so I don't remember exactly
10 how much the total was.

11 Q. Is there any left with Kim Sung Hee? Any of your money left with Kim Sung
12 Hee?

13 A. Not my money, personally, but the money that was left from the apartment
14 sale. I don't remember how much.

15 Q. Is there any money left? Does Kim Sung Hee still have some of your money
16 from the apartment sale?

17 A. I don't know. I transfer a lot of money from there. I don't know how much
18 left.

19 Q. When was the last time you talked to, you or your wife talked to Kim Sung
20 Hee?

21 A. I don't remember when.

22 Q. You said you left a mill... a hundred million won?

23 A. Yes.

24 Q. So almost, like, let's say, just call it \$100,000, is that right?

1 A. Yes, about that much.

2 Q. And about how much of that do you estimate you've already taken, brought to
3 Saipan now, by this date?

4 A. I don't know exactly. A lot of more money.

5 Q. Almost the whole thing? Half?

6 A. Maybe only a little bit is left.

7 Q. So at least say \$80,000 you've probably gotten?

8 A. I don't know.

9 Q. You don't bother to find out how much more money Kim Sung Hee still has of
10 yours and your wife's?

11 A. That, my wife takes care of that, and I don't, I don't know exactly how much is
12 left.

13 Q. Okay. But you, you have some of that money sitting around in your house in a
14 bag with some KSK money? Forty...

15 A. Yes.

16 Q. \$40,000?

17 A. DEPONENT (in English): Maybe, I don't know.

18 A. Maybe about that much.

19 Q. Could have been more than that?

20 A. We put altogether 100,000 and gave it to them.

21 Q. I know, I know, but before we put it together, I want to talk about just how
22 much you had in this bag in the house.

23 A. Maybe about \$15,000 was in the house, normally.

24 Q. You always had about \$15,000 in the house, is that what you're saying?

1 A. That's on an average.

2 Q. But on this occasion you had at least \$40,000 in the house? Is that right?

3 A. Yes, that's how I remember.

4 Q. Could it have been more than 40,000 at time?

5 A. I cannot remember how much?

6 Q. Were you here, yesterday, when your wife said that she thought it was about
7 50,000, right?

8 A. Yes I was here.

9 Q. Is that possible that it was maybe 50,000?

10 A. If my wife is sure, I cannot remember, but if my wife is sure that that may be
11 true.

12 Q. Well let me ask you this. After you gave \$40,000 of it to Mr. Kim, how much
13 did you have left over in the house?

14 A. If my wife, my wife said 50,000, I must have about 10,000. But on average
15 15,000.

16 Q. Why do you have \$50,000 in cash in a bag in your house? Why don't you put
17 that in the bank?

18 A. I needed that cash at that time so my wife... It's been a while so I don't know
19 that in detail, but my wife must have had that money collected from other place for that
20 purpose.

21 Q. For what purpose?

22 A. That I don't know.

23 Q. Well some of it was for KSK money, right?

24 A. Yes, maybe about \$15,000.

1 Q. You regularly kept \$15,000 of KSK money at the house?

2 A. Yes.

3 Q. Why wouldn't you put that in the bank, so that there was a record?

4 A. Because if there is a jack . . . , if there is a jackpot, I have to be ready to pay
5 that.

6 Q. That was your jackpot money?

7 A. Part of it.

8 Q. Did you have more jackpot money somewhere else?

9 A. No.

10 Q. Now you said that your wife may have been going around collecting money
11 and that's why there was \$50,000 in the house? Am I misstating . . . is that what you said?

12 A. Yes, maybe . . . yes, maybe because I told her that I needed that much money
13 so my wife went and collected the money.

14 Q. Where did she collect it?

15 A. From her sister.

16 Q. Okay. Where else?

17 A. No, there's not other place.

18 Q. But you said go around collecting, is that a misstatement, or . . . did she
19 actually go to some other people and get some money from them?

20 A. No.

21 A. No, it was brought from Korea from her sister.

22 Q. How long did that take, to bring the money from Korea?

23 A. On line, within five minutes.

24 Q. So your wife can call her sister, right now, and five minutes later the money

1 appears at some store?

2 A. Yes. We'll talk to them... like the somebody has a license, money banking
3 system where they bring money in.

4 Q. But I, I'm still wondering. If you wife called her sister, right now, and said I
5 need \$30,000 of our money. Could you go, could she go down to San Jose Mart, ten minutes
6 later, and say okay she did the wire, she did something on the internet, so give me \$30,000.

7 A. Yes, I can.

8 Q. And they would give her \$30,000?

9 A. I don't know exactly what the system. That's how it works.

10 Q. That's how fast it works?

11 A. Yes.

12 Q. So let's, let's . . . first of all let's talk about how this came about. This ah . . . at
13 some point in time Mr. Kim, I'm assuming Mr. Kim came to you and he said can I borrow
14 some money, is that right?

15 OBJECTION: Vague and ambiguous.

16 MR. HANSON: It could be more vague than that, but I'll get there.

17 A. Yes he did, but he also explained the situation.

18 Q. Okay. When was that?

19 A. It was the end of the summer time. Maybe September, October.

20 Q. Of what year?

21 A. 2004. After I met him.

22 Q. How long have you ... [indiscernible] uh, what year?

23 A. 2004, because I met him in 2004.

24 Q. Okay, you met Mr. Kim in 2004, and sometime after you met Mr. Kim, you

1 said September, around September or October 2004 he approached you and asked you for a
2 loan?

3 A. Yes, maybe October.

4 Q. Okay. How long had...

5 A. 2004.

6 Q. Okay. How long had you known Mr. Kim before he approached you and
7 asked you for this loan?

8 A. He approached very soon about needing money to pay someone back. And he
9 was the first one that I loaned money to.

10 Q. You had never loaned any money to anybody else before?

11 A. No, that was the first one.

12 Q. And, what did he tell you was the reason he needed the loan? That you said he
13 explained the circumstances. What was the circumstances that he explained to you about why
14 he needed the money?

15 A. Not in detail, but he said, he said that he needs to pay back this person and the
16 date is almost up, maybe in November. He needs to repay somebody.

17 Q. Did he say who it was that he needed to repay?

18 A. No.

19 Q. He didn't tell you the name of the person?

20 A. No. They have, only have a note. There was a promissory note of repaying
21 back.

22 Q. For who, what promissory note?

23 A. Saying that if he cannot repay that he will have his business as a . . . mortgage?

24 TRANSLATOR: Uh, that's not the right word.

1 MS. BUTCHER: For the record the translator is looking up a word in the dictionary.

2 A. As that, as a mortgage.

3 Q. Okay. Now you, you . . . at this time, you've been here since 2001, right?

4 A. Yes.

5 A. DEPONENT (in English): Yes, me, mistake.

6 Q. Yeah, yeah, yeah. So 2001 and this is at the end of 2004, so already three years
7 you've been in Saipan, right?

8 A. Yes.

9 Q. And you use Own's Agency, they're the ones that help you do your corporation
10 documents, right?

11 A. No, Mr. Choi.

12 Q. Mr. Choi?

13 A. Mr. Choi Woo Bak.

14 Q. Oh yeah, but you got Own's...

15 A. No, no, Cho Woo Bak.

16 Q. Do you use Own's for your taxes?

17 A. They do the accounting of the tax.

18 Q. Own's does the accounting of the tax, is that right?

19 A. Part, part of the accounting.

20 Q. Who, who else does the accounting?

21 A. There are three employees in there. There are three employees in there.

22 Q. But that company helps you with your taxes?

23 A. Yes.

24 Q. And somebody processes your labor, your visa permits? Who's that?

1 A. Annie.

2 A. DEPONENT (in English): Golden Bird Corporation, Annie.

3 Q. Okay. And your annual reports, who does those for you?

4 A. Own's office.

5 Q. And, did Mr. Choi do more work for you for your corporation?

6 A. No.

7 Q. And you had to do some paperwork to get the, the FSM Bank loan right?

8 A. That was from, from Mr. Kim, he knew the employees at the bank, but he's, I
9 haven't seen him in a while.

10 Q. What kind of paperwork did you do yourself?

11 A. Just Mr. Kim, he does a lot of the documents for Korean business people.

12 Q. Who does?

13 A. Mr. Kim sometimes will work on the SM...

14 Q. Okay, but as far as your business goes, and your business dealings and that of
15 KSK Corporation, what sort of paperwork do you personally do? What sort of paperwork do
16 you not give to another company or agent to prepare for you?

17 A. I don't have any documents that I work on, on myself.

18 Q. Is that because it's important that it is done right, so that it's legal?

19 OBJECTION: Ambiguous, the word "legal."

20 A. No, what do you mean by illegal? What do you mean by legal?

21 Q. Okay. Why do you have every . . . everybody else do these papers for your?

22 A. There was a person who got the loan from FSM, and he also met with the
23 President of the Bank at the time when he came from other place?

24 A. DEPONENT (in English): Sorry.

1 A. So they had the meeting together, so that's how they got the loan. It was very
2 fast, a lot faster than I expected.

3 Q. Okay. That's not what I asked, but let's see if we can get focused in here a little
4 bit more. Why do you have somebody else do your corporation documents for you? Why
5 don't you do those yourself?

6 A. Because I don't want to make mistakes. Because my English is not so good. I
7 wanted to make sure that things are done right.

8 Q. Okay. You said that the first time you loaned money was to Mr. Kim. Have
9 you loaned money to other people after that?

10 A. Me?

11 A. I believe I loaned some money from another person.

12 Q. No, that's borrow, right, different. You loan some money, you give some
13 money to somebody else?

14 A. Mr. Kim Hang Kwon and Park Hwa Sun.

15 Q. Okay. Besides them have you given money to anybody else?

16 A. Yes, no.

17 Q. But you gave \$150,000 to Mr. Lee, at Golden Bird, right? I'll say it again.
18 You gave \$150,000 to Mr. Lee from Golden Bird, right?

19 OBJECTION: Misstates testimony

20 A. Yes, on investment, but I got repaid.

21 OBJECTION: Same objection.

22 Q. Right, but you gave it to him?

23 A. That wasn't a loan, it was an investment.

24 Q. I didn't say it was a loan. I'm just saying – gave him some money, \$150,000.

1 A. An investment.

2 Q. I am going to be more specific. You took \$150,000 and you deposited it into
3 an account, in Korea, that was a friend of Mr. Lee's, right?

4 A. Yes.

5 Q. You don't remember the bank you deposited it in, right? Is that right?

6 A. Yeah.

7 Q. You don't remember the name of the account, of the person that you deposited
8 it into, is that right?

9 A. Yes.

10 A. Yes, I don't.

11 Q. Did you do an agreement, did you write up an agreement between you and Mr.
12 Lee about investing the \$150,000 in the Managaha Shop?

13 A. I trusted him as a friend, and that's how I came in here. Because he was my
14 friend.

15 Q. Okay, so the answer is no, you didn't do any agreement?

16 A. No.

17 Q. How about when you and Mr. Kim Hang Kwon went into business, the Daora
18 Poker? Did you have an agreement between the two of you with regard to putting in 50/50
19 and taking out 50/50?

20 A. No, only verbal.

21 Q. No. You borrowed some money from Seo Yong Ki, right?

22 A. Yes.

23 Q. Was there a paper between the two of you, about the money that you borrowed
24 from him?

1 A. I had a promissory note.

2 Q. Where is the promissory note?

3 A. It's already been paid back, so I threw them away.

4 Q. Threw them away?

5 A. No reason, because it was paid back.

6 Q. Who prepared the promissory note?

7 A. I did. The house was bought, the house was bought in, in a sudden decision.

8 Q. But what does that have to do with the promissory note?

9 A. Because that money was used for buying the house. Because I didn't have the
10 money in front.

11 Q. Yoon Ja's Mom, what's her real name?

12 A. DEPONENT (in English): I don't know

13 A. He didn't, I don't know.

14 A. DEPONENT (in English): Yoon Ja mom, I don't know.

15 Q. You borrowed money from her too, right?

16 A. Yes, my wife did.

17 Q. Did you give her a promissory note for the money?

18 A. No, I don't think so. Because she was very close.

19 Q. Seo Yong Ki, you did have a promissory note with him?

20 A. I did.

21 Q. But you threw it away?

22 A. Yes, because it was paid off.

23 Q. Now . . . you talked about promissory note between you and Mr. Kim for
24 \$100,000 is that right?

1 A. I've seen a copy.

2 Q. I've seen a copy but you, you're the one that prepared that, right?

3 A. No, Mrs. Park Hwa Sun did.

4 Q. Mrs. Park Hwa Sun?

5 A. Yeah.

6 Q. She's the one that wrote that?

7 A. Park, Mr. Park Hwa Sun.

8 Q. There's no Mr. Park.

9 A. Uh, Mr. Kim Hang Kwon's wife.

10 Q. Kim Hang Kwon's wife. She prepared a promissory note for you that said
11 what?

12 A. As a mortgage for the machinery and the poker... mortgage for the operation
13 of the business.

14 Q. Mmhm. I have as an exhibit to your deposition before. I can provide copies
15 later. Is this the promissory note?

16 A. DEPONENT (in English): Yeah, yeah.

17 Q. Is that right?

18 A. DEPONENT (in English): Yes.

19 Q. I'm showing what was exhibit... new to the, March 9, 2006, deposition of Kim
20 Ki Sung. And that's Park Hwa's Sun's . . .

21 A. DEPONENT (in English): Yes, yes, yes, sure.

22 Q. . . . signature?

23 Q. Was this document here? . . . she gave you this also, this is Exhibit F?

24 A. No, this was afterward, maybe.

1 Q. It looks like it was the same . . . same handwriting though, right?

2 A. I don't know.

3 Q. When did you get this? This meaning Exhibit F.

4 A. I don't know.

5 Q. Have you ever seen this before?

6 A. Of course, this was done maybe by Mrs. Park Hwa Sun.

7 Q. When was this done? When did you receive this? Did you ever receive this?

8 A. Some time after, some time after.

9 Q. Some time after what?

10 A. After the note in the front, in 2005, maybe.

11 Q. When did you receive Exhibit E?

12 A. 2004, December 1.

13 Q. You're sure she gave this to you on that day?

14 A. Yes. Maybe that one on 2005.

15 Q. Doesn't this look like it was written at the same time?

16 A. No not at the same day.

17 Q. You sure about that?

18 A. DEPONENT (in English): Yes.

19 Q. Yeah?.

20 A. No. Yes.

21 Q. You sure they didn't give this to you in 2005? I know what that says Mr.

22 Kim...

23 A. DEPONENT (in English): Yes.

24 Q. But I'm asking you did you get this in ...

1 A. Yes.

2 Q. 2004 or 2005?

3 MS. BUTCHER: [indiscernible].

4 A. 2004.

5 Q. Mrs. Park gave that you, or Mr. Kim gave that to you?

6 A. DEPONENT (in English): Mrs. Park.

7 Q. Where was that?

8 A. DEPONENT (in English): House.

9 Q. Whose house?

10 A. DEPONENT (in English): Miss Park, Mrs. Park house.

11 Q. You went to Mrs. Park's house?

12 A. DEPONENT (in English): Yes.

13 Q. Did you go by yourself?

14 A. Yes, I went alone.

15 Q. Who else was there at the house, when you got there?

16 A. TRANSLATOR: She .. her, her husband.

17 Q. Mr, Kim Hang Kwon?

18 A. Yes.

19 Q. Kim Hang Kwon, Park Hwa Sun and you?

20 A. DEPONENT (in English): Yes.

21 Q. And you had a bag of cash with you, right?

22 A. DEPONENT (in English): Yes.

23 Q. \$100,000 in cash?

24 A. DEPONENT (in English): Yes cash.

1 A. Yes, cash.

2 Q. Just the three of you?

3 A. DEPONENT (in English): Yes.

4 Q. Every, at Mrs. Park's house?

5 A. DEPONENT (in English): Yes, Susupe.

6 Q. Susupe?.

7 A. DEPONENT (in English): Yes.

8 Q. And that's when she gave you this document?

9 A. Yes.

10 Q. And your testimony that that all happened on December 1st 2004?

11 A. Yes.

12 Q. And that was all so Mr. . . . Mr. Kim could pay back some person that he owed
13 money to?

14 A. Yes, well he talked about it maybe a month before it happened.

15 Q. But you said that it didn't take too long to get the money together.

16 A. Yeah, so.

17 Q. So why, why did all this happen a month after, back, back up. You said that
18 he talked to you sometime in October 2004.

19 A. Yes.

20 Q. Okay. So this is ah more than a month later?

21 A. Because I didn't have the money at the time.

22 Q. But all it was was a five minute phone call away from Korea, right?

23 A. The money wasn't brought in from Korea for that reason, because the money
24 needed to be transferred.

1 Q. I had . . . no you, you testified earlier that Kim Hang Kwon asked you for
2 money and so you, your wife went around and gathered the money up for that purpose.

3 A. Well, my wife didn't go round collect the money, the money was transferred
4 from Korea, but in detail I don't know.

5 Q. But is it true that you wife called Korea, called her sister in Korea and said I
6 need you to send money because you had asked her to get the money so you could loan it to
7 Mr. Kim?

8 A. Yes, because some of the money was already transferred here, so together with
9 the money it was given to Mr. Kim.

10 Q. And there was the Kea?

11 A. TRANSLATOR: Kea Ton

12 Q. The Kea Ton, the K money. That was, you had your wife go down and take the
13 first month of the Kea Ton?

14 A. Yes.

15 Q. And that was from the, the Kea Chon, that's what you call it, right?

16 A. TRANSLATOR: Kea Ton.

17 Q. No, no the person that runs the Kea.

18 A. TRANSLATOR: Kea Chu.

19 Q. That's the person that owns Seven Colors, in Chalan Kanoa?

20 A. That's how I remember.

21 Q. Do you know the person's name?

22 A. I don't know the name.

23 Q. Kim Chang Ryeol, sound familiar?

24 A. Yes, Kim Chang Ryeol.

1 Q. That the guy?

2 A. Yeah, yeah I remember, small guy.

3 Q. Small guy?

4 A. DEPONENT (in English): Yeah.

5 Q. Kim Chang, Chang

6 A. Ryeol.

7 Q. Ryeol.

8 A. DEPONENT (in English): Yeah.

9 Q. That's the person that your wife went and got the \$60,000 from?

10 A. Yes I believe so.

11 Q. And your wife said that she signed for a receipt that she received \$60,000.

12 A. Yes, of course there was a signature.

13 Q. Do you have a copy of that?

14 A. Not with me.

15 Q. Not anywhere?

16 A. No.

17 Q. Can you give me a copy of that?

18 A. No.

19 Q. Uh, why not?

20 A. I don't have it.

21 Q. Who has . . . you don't have it? And did you ever have a copy of it?

22 A. No, I don't think I ever.

23 Q. So this Kim Chang Ryeol, he's the only one that has a copy of it? Is that all...

24 A. I don't know if he still has it, but it would be him. It's sort of been a few years.

1 Q. Now this whole Kea thing is very secretive, right? It's a secret. Everybody
2 used pseudo names, not their real names?

3 A. Yes, this is done secretly, it's not a thing to do up front, and so that's why
4 there's no names. It would be a calling name of some sort.

5 Q. So when I get a receipt, if I, let's say I get the receipt from this Kim Chang
6 Ryeol, is that going to have your wife's name on it or is it going to have some 711 or some
7 other name?

8 A. We went there together.

9 Q. You went there together and she signed a receipt?

10 A. Yes, because we received that money.

11 Q. I understand, but did she sign her name or did she sign some fake name?

12 A. I don't remember. But there was a signature.

13 Q. Okay. Um . . . so together is that \$60,000 that you got from Kim Chang
14 Ryeol. Did . . . your wife was paying \$4,000 a month for these Keas, Keas?

15 A. Yes, as I recall.

16 Q. And that money was coming from KSK Corporation's business?

17 A. Part of it was the income from the KSK and part from the house.

18 Q. Oh, the income from the rental property?

19 A. No, from the company.

20 Q. You said part from the house, what does that mean?

21 A. The money that I had fifteen hundred, no 15,000.

22 Q. The \$15,000 jackpot money that's always sitting around?

23 A. Yes, because the money comes in and goes out and comes in and goes out.

24 Q. So, basically it's all from the operations of KSK?

1 A. Part of it, yes.

2 Q. When you, when Mrs. Park gave you this handwritten promissory note, it said
3 that she was, if she didn't pay back the \$100,000 that she gave you a mortgage on her
4 business. Why didn't you make her go to some . . . a lawyer or somebody else that has the
5 experience with drafting documents to make them uh, how you said before, uh, correct?

6 A. That I regret very much, if I knew, if I knew I wouldn't have, I wouldn't have
7 done that. I didn't know about that.

8 Q. How, how long have you known Mr. Kim before you loaned him \$100,000?

9 A. We play golf [indiscernible] . . . because he was older than me.

10 Q. Okay and remember not to talk over each other, because I'm not going to be
11 able to get the recording, right? Right. But you said you met him in 2004?

12 A. Yes.

13 Q. And you loaned him \$100,000 in 2004?

14 A. Yes.

15 Q. How long had you known him in 2004 before you...

16 A. Many times.

17 Q. When did you meet Mr. Kim?

18 A. When Mr. Kim and Mrs. Moon and all of them came together to see him.

19 Q. What day was that?

20 A. Maybe early part of 2004.

21 Q. When you say early part of 2004, what, around what month?

22 A. The beginning part of 2004.

23 Q. January, February, March, like that? January?

24 A. DEPONENT (in English): I don't know.

1 A. Cannot remember. Beginning part of 2004.

2 Q. It was...

3 A. DEPONENT (in English): [coughing] Sorry.

4 Q. Let's go back to my previous question and let's see if you can figure this out.

5 How, about how many months had you known Mr. Kim before you loaned him \$100,000?

6 A. Maybe eight, nine. Maybe, eight, nine, ten months. It was the beginning of
7 2004 when I met him.

8 Q. Okay.

9 A. I don't remember exactly.

10 Q. Now Mr. Kim said he needed this money to pay back somebody else, right?

11 A. His wife did.

12 Q. His wife needed the money to pay back somebody else?

13 A. His wife told him, and he told Mr. Kim that she needed the money so he got
14 the money for them.

15 Q. To pay back somebody else?

16 A. Yes.

17 Q. Okay. So if Mr. Kim couldn't pay back that other person and he needed to
18 borrow the money from you, how did you think you, he was going to be able to pay you back
19 the money that you gave him?

20 A. Because he had the business, he had the two, he had the laundry and the poker
21 place operating at the time, so I trusted the operations, operation part of the business.

22 Q. Is that what he said, he was going to be paying you out of his profits from the
23 laundry and the poker room?

24 A. That he didn't talk about, but he said he would repay him back.

1 Q. How was your business at the end of 2004, was it getting bigger or was it
2 getting smaller?

3 A. I had about three poker places running.

4 Q. But were they doing well? They were all making a lot of money?

5 A. So and so.

6 MS. BUTCHER: And point of clarification, you mean KSK? How is KSK's business
7 been doing?

8 MR. HANSON: Well, it's not clear to me, so I don't think that would add any
9 clarification, but that's not what my question was specifically. Him. His businesses. He
10 made it clear that they're his businesses.

11 Q. Did Mr. Kim have a plan for how he is going to give you back the \$100,000?

12 A. He says, don't worry.

13 Q. He said, "don't worry I'll pay you back." Is that right?

14 A. Yes. I just want to tell you, if I knew this was going to happen I wouldn't have
15 done that.

16 Q. Um . . . he didn't tell you he would pay you every month a little bit, like some
17 of the money back?

18 A. No there wasn't any... there was a date where he said he will pay back.

19 Q. Okay. Now, do you know the . . . my clients, Li Ying Hua, Li Zheng Zhe, Xu
20 Jing Ji? Do you know these three?

21 A. Ah, the Chinese you mean?

22 Q. The three employees of Mr. Kim and Ms. Park, that are...

23 A. Yes, three. I don't know them personally. One person I don't know at all.
24 Two I might have seen them a few times.

1 Q. Where did you see them?

2 A. At the auction.

3 A. DEPONENT (in English): Li Ying Hua.

4 A. Li Ying Hua?

5 A. DEPONENT (in English): Li Ying Hua.

6 A. Li Ying Hua?

7 A. DEPONENT (in English): Yeah, Li Ying Hua.

8 Q. Li Ying Hua, yeah, yeah, yeah.

9 A. Yeah, at the auction.

10 Q. Okay, this doesn't, a lady. At the auction. Did you see any of those three, did
11 you know them before?

12 A. Yes I did, two.

13 Q. Two of them you knew before, before the auction?

14 A. Yeah.

15 Q. How did you know them before?

16 A. Daora Poker.

17 Q. They used to work for Daora Poker?

18 A. Yes.

19 Q. That was the poker place that you and Mr. Kim...

20 A. DEPONENT (in English): Yes, Daora, yes.

21 A. Yes that's when I saw, because I went there very often.

22 Q. In fact you were there when Mr. Kim told them that he was closing Daora
23 Poker and they didn't have a job any more, is that right?

24 A. That I don't remember, but Mr. Kim told me that he's going to close the poker